



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

November 18, 2005

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

Dear Mr. Sandison,

On behalf of the Fisheries Resource Management Program of the Yakama Nation, I appreciate the opportunity to comment on DOE's Draft Supplemental EIS on the Condit Hydroelectric Project. The Yakama Nation is a federally-recognized Treaty tribe with co-management authorities deriving from the *U.S. v Oregon* treaty fishing rights litigation. We have invested considerable technical and legal staff resources since 1989 in the FERC licensing process for the Condit Project, and the tribe was instrumental in establishing dam removal as the preferred option. The SEPA review is, hopefully, the last step in a long and intense negotiation between the project owner, tribal, state, and federal resource co-managers, and affected stakeholders to arrive at a consensus decision to remove Condit Dam.

A4-1

The draft SEIS should note prominently that the short-term resource impacts of dam removal have been scrutinized in detail by the relevant resource co-managers and found to be acceptable in exchange for the long-term resource benefits of dam removal. This benefit/cost assessment was addressed exhaustively in FERC's EIS on this project and by the parties to the Condit Settlement Agreement. The draft SBIS should properly constrain its assessment to potential impacts on water quality and consider the temporary impacts to fish and aquatic resources below the dam as an issue already settled by the relevant management entities. The Yakama Nation remains committed to the trade-off between short-term impacts to remnant and transient fish populations below Condit Dam in exchange for the long-term benefits of opening 33 new miles of high-quality anadromous fish habitat above the dam. We are confident that WDOE will also conclude that short-term impacts to water quality associated with dam removal are far outweighed by the water quality and ecological benefits of restoring the White Salmon to a free-running, natural river.

A4-2

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865-5121

A4-1

The wording in the FSEIS (e.g., Section 2.2) has been modified to more completely acknowledge the previous conclusions of the resource co-managers.

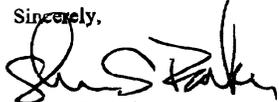
A4-2

While the SEPA SEIS must address all SEPA issues, it does not reach different conclusions regarding the trade-offs between short-term and long-term impacts.

The attached detailed comments have been prepared by staff with several years of on-the-ground experience in the White Salmon watershed.

Please feel free to contact me at 945-0786 if you have comments or questions about this issue.

Sincerely,



Steven S. Parker
Fisheries Resource Management Program
Yakama Nation

cc: Fish and Wildlife, Law and Order Committee
Phil Rigdon, DNR
Olney Patt, Jr., CRITFC
Tim Weaver, Counsel

Comments for Condit Dam Removal Draft SEIS

1.6.3 Significant Unavoidable Adverse Impacts

Aquatic Resources

Pg. 1-8 (first sentence, first paragraph)

(should read) **The majority of fish and 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.**

(Original statement says all fish and macroinvertebrates would be killed. An unknown percentage of fish that are in the lower river at the time of the dam breach will be able to move quickly out of harms way into the Bonneville pool. It's also very probable that small portions of macroinvertebrate in the lower river will survive the TSS from the initial breach.)

A4-3

1.6.3 Significant Unavoidable Adverse Impacts

Aesthetics and Scenic Resources

Pg. 1-10 (last sentence, first paragraph)

(should read) **However, depending on one's perception, this may or may not be a significant impact and perhaps many will look at it as a significant benefit.**

A4-4

1.6.4 Secondary and Cumulative Effects

Pg. 1-10 (second paragraph, last sentence)

(should read) **Examples are changes to land use, the net loss or net gain of wetland areas, the modifications of wildlife habitats, changes in traffic and transportation, or alterations in noise levels.**

A4-5

A4-2
Continued

A4-3

The sentence has been changed. Based on available literature, the worst-case situation would result in all fish and macroinvertebrates being killed. There is a remote possibility that some fish may survive being swept into Bonneville pool, but nothing in the literature indicates this is likely. If there were tributaries below the dam where small populations of fish may escape the effects of elevated levels of suspended sediments and deposition of sediments, then survival of those aquatic organisms would be expected, but this is not the case on the White Salmon River below Condit Dam. It may be that some fish and macroinvertebrates would survive, but making a case for how many would be difficult.

A4-4

Comment acknowledged and change made.

A4-5

Comment acknowledged and change made.

3.0 Proposed Action

Pg. 3-1 (first paragraph, second sentence)

(should read) **Removal of the project would enable the river and watershed to return to its natural free-flowing condition.**

A4-6

A4-6

Comment acknowledged and change made.

3.3.3 Monitoring

Pg. 3-22 (list of monitoring criteria)

Macroinvertebrate sampling should be considered for monitoring and should be included in the performance criteria list. Macroinvertebrate sampling will allow researchers to establish species densities, health of the river reach, and time period for macroinvertebrate reestablishment.

A4-7

A4-7

Comment acknowledged, but this is a permit issue, not an EIS issue.

A4-8

Comment noted.

A4-9

Comment noted. The FSEIS has been revised and the sentence indicating that data are not available for the smaller tributaries to Northwestern Lake has been deleted.

4.1.3 Mitigation Measures

Downstream Sediment Management

Pg. 4.1-8 (first paragraph)

As described in the Canyon and Woody Debris Management Plan (PacifiCorp 2004), the White Salmon River canyon below the dam would be surveyed to identify and dislodge any woody debris that may be hindering downstream transport of sediment and the natural formation of riverbanks. (see comments listed in 4.2.2 below)

A4-8

A4-10

Comment noted. Section 4.2.2 has been revised as per your comment.

A4-11

BZ Falls is reported to vary between about 15 and 17 feet in height and is a complete barrier to coho salmon. Although spring Chinook salmon would likely be in far better condition than fall Chinook salmon upon reaching the falls, the height of BZ Falls is far above the calculated leaping ability of Chinook salmon (and coho salmon) (Osborn 1985) and (Powers and Osborn 1985) under ideal conditions. Chapman et al. (1990) stated that BZ Falls was passable with some difficulty by steelhead trout. While not venturing an opinion about the ability of Chinook salmon to pass over the falls, Chapman et al. (1990) stated that the falls presents a passage problem for adult salmonids. This was based on conflicting anecdotal information in LLA (1981). Chapman et al. (1990) questioned the accuracy of the information concerning the historical presence of Chinook salmon above Husum Falls. LeMier and Smith (1955) did not believe that spring-run Chinook entered the White Salmon River and noted that an interview with one of the residents present in the area before construction of Condit dam indicated that spring Chinook were not present before the dam was completed. Bair et al. (2002) indicated that BZ Falls is the upstream limit for salmon, but not steelhead. The height and physical configuration of BZ Falls is a long way from ideal for leaping spring Chinook salmon to successfully clear. The majority of the avail-

4.2.1 Affected Environment

Surface Water

Pg. 4.2-3 (paragraph four, sentence four)

"States discharge data or water quality data for these streams is not available."

Buck Creek is one of listed creeks of no available data. However, an unknown agency has recently put in a flow gauge in the lower end of Buck Creek and Yakama Nation has collected water quality data on Buck Creek since February of 2003.

A4-9

4.2.2 Impacts

Drain Tunnel Construction and Dam Removal

Pg. 4.2-8 (paragraph seven, sentence four)

(should read) **Likewise, any woody debris that may collect in the White Salmon River channel upstream or downstream from the dam after breaching would be removed using heavy equipment, if woody debris is hindering downstream transport of sediment.** (see 4.1.3 above outlined in yellow.)

A4-10

4.3.1 Affected Environment

Barrier Falls

Pg. 4.3-1 (paragraph two, second sentence)

(should read) **BZ Falls (RM 12.4) is likely to be a barrier for all salmonids, except for steelhead trout (*Oncorhynchus mykiss*), spring Chinook salmon (*Oncorhynchus tshawytscha*), and possibly coho salmon (*Oncorhynchus kisutch*) which would be flow dependent.**

A4-11

Spring Chinook would be able to pass BZ Falls along with Steelhead. Coho salmon would be able to pass dependent on flow conditions when migrating up river.

able literature and the physical configuration of BZ Falls do not support the likelihood of coho or Chinook salmon passing BZ Falls.

The height and configuration of the series of falls at lower Rattlesnake Falls do not meet the calculated requirements for passage by Chinook salmon in Osborn (1985) and Powers and Osborn (1985). Although it is unlikely that coho salmon can pass lower Rattlesnake Falls, the available pools and pockets may be large enough for a coho salmon to pass over the falls under ideal flow conditions. There is not sufficient habitat above the falls for it to be considered accessible to coho salmon. Much the same can be said for the remote possibility of spring Chinook salmon accessing habitat above BZ Falls. Individual fish may manage the feat on rare occasions, but that does not constitute habitat that is accessible by a viable population.

The presence of an impassable waterfall at RM 3.2 on Buck Creek was confirmed, and the text in Section 4.3.1 of the FSEIS has been modified. Table 4.3-1, Figures 4.3-1 through 4.3-3, and Appendix C have also been modified in the FSEIS. The diversion dam at RM 1.9 is listed as a barrier to upstream migration by small salmonids less than 9 inches in length, not as a barrier to larger salmonids. Table 4.3.1 has been modified to reflect accessibility of Buck Creek above RM 1.9 to salmon.

4.3.1 Affected Environment

Barrier Falls

Pg. 4.3-1 (paragraph three, first sentence)

(should read) **With the exception of steelhead and possibly spring Chinook and coho salmon, falls at RM 1.5 on Rattlesnake Creek and RM 0.8 on Mill Creek are potential barriers to upstream migration for other salmonids.**

The lower falls at RM 1.5 in Rattlesnake Creek has a deep plunge pool, which enables fit salmonids to migrate above the falls. Rattlesnake Creek at this location is very flashy and subject to high flows, this decreases the height of the falls dramatically. High summer temperatures, low flows, and lack of deep pool habitat will be the limiting factor for coho and spring Chinook use in upper Rattlesnake Creek.

4.3-1 Table

Pg. 4.3-9

*Table 4.3-1 should be modified to at least include spring Chinook and coho up to Big Brother Falls at (RM 16.2). Table assumes that spring Chinook and coho will not be able to pass BZ falls; this is a very bad assumption. BZ falls height is highly variable with flows (decreases with higher flows).

*Buck Creek should be modified to include salmon up to (RM 3.8) with steelhead not just to RM 1.9). The table contradicts itself on Buck Creek, on pg 4.3-2 first sentence at the top of the page states "A diversion dam at (RM 1.9) on Buck Creek is a barrier to the upstream migration of salmonids < 9 inches in length." This diversion is relatively small and is not much of an obstacle for most anadromous fish or resident fish for that fact.

4.3-1 Aquatic Invertebrates

California Floater (*Anodonta californiensis*)

Pg. 4.3-10

Rattlesnake Creek has a large population of freshwater mussels as well as portions of Indian Creek. Species of freshwater mussel is currently unavailable. Researcher with mussel identification skills would be valuable.

4.3.2 Impacts

Beneficial Effects of Dam Removal on Fish

Pg. 4.3-22 (first paragraph, first sentence)

(should read) **Potentially, 33 miles of new steelhead habitat and 29 miles of new salmon habitat may be accessed by anadromous salmonids after dam removal, increasing the run size of anadromous salmonids in the White Salmon River and increasing the availability of salmon and steelhead angling opportunities in the White Salmon river basin.**

*Salmon habitat should be increased to include the area between BZ falls and Big Brother falls on the White Salmon River.

*Salmon habitat should be increased to include the area above the falls on Rattlesnake Creek at (RM 1.5). Although it is unclear how much habitat salmon may utilize in upper Rattlesnake Creek, it is irrelevant since the question is accessible river miles. Productivity and accessibility would be flow dependent.

*Salmon habitat should be increased to include the area above RM (1.9) on Buck Creek, since this is a minor migration hurdle to an adult salmon.

A4-12

Comment noted and the text has been modified to note the presence of freshwater mussels in Rattlesnake and Indian Creeks.

A4-13

Habitat is considered available for a species (or ecotype) if it is accessible on a consistent basis at expected flows during the upstream migration period. The possibility that a barrier falls can be occasionally passed by a few individuals during exceptional circumstances is not considered evidence of habitat being available for a salmonid species or ecotype.

A4-11
Continued

Questionable anecdotal accounts, such as reports of steelhead trout as far upstream as Trout Lake, are not considered evidence that habitat would be available after the removal of Condit Dam. If there is a reasonable possibility of consistent passage over a barrier falls in numbers adequate to sustain a viable population, the habitat is considered available. This does not take into account the quality of the habitat for spawning and rearing (i.e., salmon can pass over the diversion dam at RM 1.9 on Buck Creek, but the habitat above the dam is marginal for salmon).

A4-12

Available steelhead habitat in Buck Creek was reduced to reflect the presence of an impassable waterfall at RM 3.2. Available salmon habitat in Buck creek was increased to reflect accessibility above RM 1.9. Section 4.3.2, Table 4.3-1, Figures 4.3-1 through 4.3-3, and Appendix C have been modified in the FSEIS.

A4-13

VIA E-MAIL AND FIRST-CLASS MAIL

November 14, 2005

Derek Sandison
SEPA Responsible Official
15 W Yakima Ave., Suite 200
Yakima, WA 98902-3452
Via e-mail to conditdam@ecy.wa.gov

Re: Draft Supplemental EIS on Condit Dam Removal Project

Dear Mr. Sandison:

Friends of the Columbia Gorge has reviewed and would like to comment on the above-referenced Draft Supplemental EIS. Friends is a non-profit organization with members in more than 3,000 households dedicated to protecting and enhancing the resources of the Columbia River Gorge through the effective implementation of the Columbia River Gorge National Scenic Area Act. Our membership includes hundreds of citizens who reside in the six counties within the Columbia River Gorge National Scenic Area.

Friends is very supportive of PacifiCorp's proposal to remove Condit Dam from the White Salmon River. We generally agree with the content of the DSEIS, and we provide a few specific comments below. In addition, we are concerned about the length of time that passed before the DSEIS was issued. We encourage the Department of Ecology to put this project on a fast track so that the FSEIS can be issued as soon as possible and the Department can render a decision on water quality certification. This will allow the Federal Energy Regulatory Commission to proceed with its review.

The DSEIS properly acknowledges that while there will be some short-term adverse impacts from the project, all the non-removal alternatives would have greater impacts than dam removal (DSEIS at 2-3). As a society, we need to be willing to accept some short-term impacts when we have the opportunity to remove a dam, restore a free-flowing river, and greatly improve the long-term health of the White Salmon River.

A5-1
Preference acknowledged.

A5-2
Comment acknowledged.

A5-3
Comment acknowledged.

A5-4
Preference and comments acknowledged.

A5-1

A5-2

A5-3

A5-4

The DSEIS incorrectly states on page 2-5 that an “entire” year-class of winter-run steelhead would be lost as a result of dam removal, on page 4.3-18 that “it is reasonable to assume that . . . one year-class would be lost,” and on page I-17 that a “species” would be “lost.” The language used in these statements should be moderated somewhat to reflect the fact that some adults in the affected year-class will return to the White Salmon River at times other than when the project removal is occurring, and therefore only *part* of a year-class would be temporarily lost, as is discussed elsewhere in the document (*see, e.g.*, DSEIS at 4.3-18).

The FSEIS should reference the following documents and information:

- The Northwest Power and Conservation Council’s *Big White Salmon Subbasin Plan* (May 28, 2004) found that the most limiting factor for salmon and steelhead in the White Salmon River is the construction and operation of Condit Dam, which causes steelhead, spring Chinook, and coho to access only a small fraction of their historic habitat. The proposed project would increase the quantity and quality of reduced and degraded fish and wildlife habitat to amounts that will sustain native fish and wildlife species. Removal of Condit Dam furthers this objective.
- In 1993, the legislature mandated the Department of Ecology to institute a watershed approach to water quality management. As part of that program, the State of Washington has identified the Wind River/White Salmon Watershed (Water Resource Inventory Area (“WRIA”) 29) as a historically important source for production of salmon and steelhead in the Lower Columbia River Basin. It also recognizes that hydroelectric development in the White Salmon River has had a serious detrimental effect on the aquatic resources in WRIA 29. The limiting factors report for the WRIA 29 specifically mentions Condit Dam removal negotiations as an indication that the State is making progress in its effort to restore habitat in the basin.
- The FSEIS should discuss the relationship of the White Salmon River’s Chinook, steelhead, and chum to the recovery of the larger Lower Columbia River ESU, especially in light of ongoing work of NOAA Fisheries’ Technical Recovery Teams and recovery actions elsewhere in the basin. The DSEIS discusses those fish that may be in the White Salmon River, Bonneville Pool, and the Columbia River generally, but does not place the impacts in the larger recovery effort context. We think that context is essential to understanding the impacts.

On page I-8, the DSEIS finds that displacement of fish in the Bonneville Pool during dam removal would likely result in a “take” under the Endangered Species Act, however, it does not provide the basis for why displacement would constitute a take. Because ESA determinations are to be made by NOAA Fisheries Service and the U.S. Fish & Wildlife Service, we urge the DOE to refrain from making any legal conclusions in its environmental analysis document.

The DSEIS states on page 4.9-2 that “Skamania County . . . has development regulations as part of a special management area for the Columbia River Gorge National Scenic Area.” We recommend avoiding the use of the phrase “special management area” in this context because this phrase has a particular meaning in the context of National Scenic Area rules. The Columbia

A5-5	<p>A5-5 The entire year-class of age-0 (juveniles produced during the spring of the year of dam removal) winter-run steelhead are expected to be lost as a result of turbidity levels in the river associated with the proposed dam removal. This would substantially reduce the number of expected returning adult steelhead 4 years in the future, when the majority of the lost year-class of steelhead would have been expected to return. During that year, the return of winter-run steelhead would be primarily composed of 3-year-old steelhead and strays from other river basins. Returns of winter-run steelhead would likely be reduced every fourth year for several generation cycles. A portion of the previous year-class of steelhead juveniles (age-1 fish) would also be lost. Section 2.3.1 of the FSEIS has been clarified.</p>
A5-6	<p>A5-6 The FSEIS concurs with the Northwest Power Planning Council’s subbasin summary (WDFW 2000) and Washington Conservation Commission’s limiting factors report (WCC 1999) that the removal of Condit Dam would increase the available habitat for anadromous fish within the White Salmon River basin, increasing the long-term viability of existing anadromous fish populations in the basin.</p>
A5-7	<p>A5-7 Comment acknowledged. The FSEIS references the WRIA reports in Section 4.3.</p>
A5-8	<p>A5-8 The benefits of the proposed Condit Dam removal project to the region’s salmon and steelhead recovery efforts are noted in Section 4.3 of the FSEIS. The FSEIS acknowledges that the removal of Condit Dam would increase the available habitat for anadromous fish within the White Salmon River basin, thus increasing the long-term viability of existing anadromous fish populations in the basin.</p>
A5-9	<p>A5-9 Short-term increases in turbidity within the Bonneville pool after the removal of Condit Dam would likely cause avoidance behavior and “displacement” of some fish in the Bonneville pool. These fish would not</p>

River Gorge National Scenic Area Act expressly designated four “special management areas” where land use requirements are more restrictive. *See* 16 U.S.C. § 544b(b). Condit Dam is not located in one of these Special Management Areas, but rather is located in the less restrictive General Management Area. Moreover, it may be worth expressly noting in the FSEIS that while Skamania County has a scenic area ordinance, review of the project for consistency with the scenic area rules is being conducted solely by the U.S. Forest Service pursuant to section 14(d) of the Scenic Area Act, because the project requires federal approval from FERC. *See* 16 U.S.C. § 544(d). The Forest Service’s responsibility for reviewing the project under the scenic area rules is mentioned on page 4.9-1 of the DSEIS.

Finally, we urge the DOE to work with PacifiCorp and the Army Corps of Engineers to facilitate the lowering of the Bonneville Pool during dam removal, the benefits of which are discussed throughout the DSEIS.

Thank you for this opportunity to comment, which preserves our standing.

Sincerely,

Nathan Baker
Staff Attorney

A5-11
Continued

A5-12

A5-13

be displaced from the Bonneville pool, but would seek out areas of the pool with lower turbidity. Korstrom and Birtwell (2006), found that the ability of sediment-exposed Chinook salmon to escape to cover was impaired and that there was a significant increase in stuporous behavior and a significant reduction in cover-seeking response in sediment-exposed fish. They concluded that exposure to elevated levels of suspended sediment could indirectly jeopardize survival in the wild, as such overt performance and behavioral changes would probably render juvenile Chinook salmon more conspicuous and therefore more susceptible to avian and aquatic predators.

A5-10

NOAA has considered this a “take” (NMFS 2006). The sentence in Section 1.6.3 regarding “take” has been modified.

A5-11

Phrase has been deleted.

A5-12

Comment acknowledged. The U.S. Forest Service had opportunity to comment on the project during the EIS public comment period and has the responsibility to determine consistency with Scenic Area Act.

A5-13

Comment acknowledged. As described in Section 4.2.3 Mitigation Measures of the FSEIS, PacifiCorp would consult with the U.S. Army Corps of Engineers to determine the feasibility of lowering the Bonneville pool prior to dam breaching, in the event that the pool elevation is near the higher end of its range of fluctuation.