



Oregon

Theodore R. Kulongoski, Governor

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May 5, 2010

Mr. Fred Ayer
LIHI Executive Director
34 Providence Street
Portland, ME 04103

Subject Comments on proposed certification of the Prospect 3 Hydropower Project (FERC No. 2337)

Dear Mr. Ayer:

The Oregon Department of Fish and Wildlife (ODFW) received your letter of December 31, 2009, requesting comments from our office on the application for certification of the Prospect 3 Hydroelectric Project (Project) by the Low Impact Hydropower Institute (LIHI).

ODFW was involved with the relicensing of this Project in the 1980's. We have reviewed the eight-certification criteria hydropower projects must meet to be certified through the LIHI Certification process. It is our understanding that a hydropower facility must meet all eight certification criteria to become certified as a Low Impact Hydropower Facility and thus be able to use this certification when marketing power to consumers.

In 2009 LIHI solicited comments regarding proposed modifications to its criteria for certification; however LIHI has not yet implemented the new proposed criteria. The new LIHI criteria would require that fish and wildlife recommendations to be filed post-1990. ODFW's fish and wildlife recommendations for the Project were filed post-1986 but pre-1990,

Recommendations made in the late 1980's for screens, fish ladders, and minimum instream flows would not meet ODFW current criteria. Screen criteria now must meet approach and sweeping velocities, while fish ladder step criteria is now 6 inches, which was not the standard in the 1980's. ODFW now considers other ecological factors while setting instream minimum flows.

ODFW feels that LIHI's review the of Prospect 3 Hydropower Project should also consider the impacts of the Prospect 1, 2 & 4 Project which shares the same watershed. Prospect 3 generates power by diverting water from the South Fork Rogue River then transfers the same water via a siphon to the to the Prospect 1, 2 & 4 Hydropower Project. The Prospect 1,2 & 4 Hydropower Project was recently licensed by FERC without adopting fish and wildlife agency recommendations for protective screens at an of the three diversions, and fish passage at two of the three diversion dams. The Prospect 3 Hydropower Project should not be certified by LIHI because it has outdated mitigations measures, and it has a watershed and operations nexus with Prospect 1, 2 & 4 Hydropower Project that will impact fish and wildlife resources for the next 30 years.

Therefore, we suggest that this certification not be issued until present mitigations measures can be implemented.

Thank you for the opportunity to review this proposal. Please contact Ken Homolka (503) 947-6090 or myself at (541) 440-3353 to discuss these comments.

Sincerely,



David A. Harris
Southwest Region Hydropower Coordinator

cc: Ken Homolka, ODFW, Salem, Oregon (e)
Dan Van Dyke, ODFW, Central Point, Oregon (e)
Rob Burns, USFWS, Roseburg, Oregon (e)
Craig Kohanek, OWRD, Salem, Oregon (e)
Chris Stine, ODEQ, Eugene, Oregon (e)