



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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November 15, 2024

Maryalice Fischer
Certification Program Director
Low Impact Hydropower Institute
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RE: Low Impact Hydropower Institute's Pending Certification of Douglas County Public Utility District's Wells Dam Hydroelectric Project

Dear Ms. Fischer:

The Columbia River Inter-Tribal Fish Commission appreciates the opportunity to comment on Low Impact Hydropower Institute's (LIHI) process for the Douglas County Public Utility District's (PUD) application for Low Impact Certification for the Wells Hydroelectric Project (Project). To our knowledge, this is the first hydroelectric dam located on the mainstem Columbia River to seek LIHI certification. Given the historic and extensive damage that dams, including the Wells Project, have on the fish and people of the Columbia Basin, certifying such projects as 'low impact' is a concerning precedent and the decision to do so should be carefully considered.

CRITFC was formed in 1977 by the four sovereign treaty tribes of the Columbia and Snake River Basin: the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon. CRITFC provides coordination, management, and technical assistance to ensure that its member tribes' treaty fishing rights are protected through the continuation and restoration of tribal fisheries into perpetuity. The four tribes wholly, indivisibly, and equally own and govern the affairs of CRITFC.

The Wells Project falls within the aboriginal territory of the Yakama Nation, a CRITFC member tribe, and significantly affects treaty-protected fishery resources of all four member tribes. CRITFC's comprehensive fish restoration plan, Wy-Kan-Ush-Mi, Wa-Kish-Wit (Sprit of the Salmon), describes its goals to restore salmon, steelhead, lamprey, and other tribally significant aquatic species to sustainable and harvestable levels. CRITFC supports its member tribes in regulatory and non-regulatory proceedings that consider the effects of hydroelectric projects on fishery resources.

CRITFC does not consider the Wells Project as low impact. While the Project's compliance with the conditions of its FERC license, 401 water quality certificate, Habitat Conservation Plan (HCP), and settlement agreement is critically important, these accomplishments are not synonymous with a low impact condition. Rather, they reflect the best possible outcome that could be negotiated for fish at the time. In fact, across the Columbia River Basin, chinook salmon and steelhead have continued to decline since the HCP was implemented nearly two decades ago.

Beyond sharing our general concerns about the Wells certification proposal, we are aware of several fish passage issues at the Project and wish to bring them to LIHI's attention:

Salmon and Steelhead Passage

While results from Douglas PUD's juvenile survival performance tests at Wells have generally exceeded permit requirements, critical uncertainties remain regarding their applicability to the run at-large and the full range of species the HCP aims to protect. All performance tests to date have been conducted using hatchery fish reared for passage study purposes. It is not known how well these test results represent the generally smaller, natural-origin fish that performance standards are meant to protect. Furthermore, the PUD has not yet completed a survival study for subyearling chinook salmon. While technology had previously limited such studies, recent advances in PIT and acoustic tags (e.g., eel/lamprey acoustic tags) suggest these limitations no longer apply. Importantly, subyearling chinook are likely to have lower survival rates compared to the yearling chinook that have been studied, due to their smaller size and later outmigration timing.

Another point of concern involves the timing of turbine bypass operations, which is a primary contributor to the Project's attainment of survival standards. The timing is based on data from passage timing at Rocky Reach Dam, located more than 40 miles downstream, and influenced by fish populations that enter the Columbia River below the Wells Project. While it is unclear whether this data accurately represents passage timing at Wells, any management error or bias introduced by this approach may also disproportionately affect the group for which survival has not yet been measured (i.e., subyearling chinook).

Additionally, current operations at the Wells Project do not support the safe downstream passage of ESA-threatened adult steelhead from downriver populations/distinct population segments (DPS; Mid- and Upper-Columbia, Snake River) that overshoot their natal watersheds during their initial upriver migration. Yet, these overshoots hold a high reproductive value and can descend successfully when surface spill is provided during the fall/winter months, as occurs at other projects on the Columbia and Snake rivers. Additionally, it is unclear whether the Project is authorized to 'take' fish from the Mid-Columbia or Snake DPSs, as the overshoot phenomenon was poorly understood when the HCP was approved.

Juvenile and Adult Lamprey Passage

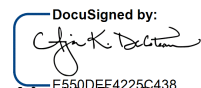
Upstream passage for adult Pacific lamprey is not yet fully supported at the Project. Recent studies suggest fewer than a third of all adults approaching fishways successfully ascend the Project, which may not be surprising given that recommended fishway modifications have not yet been fully implemented. Additionally, the Project's ability to safely convey juvenile Pacific lamprey downstream has not yet been studied and remains unknown. Despite this, Douglas PUD has suggested that downstream passage rates for juvenile Pacific lamprey are likely similar to those for salmonids. However, the limited comparative information available suggests that these species may approach dams at different depths and in closer proximity to turbine intakes, raising questions about the accuracy of this assumption.

Taken together, the Project clearly does not meet LIHI's 'Agency Recommendation' standard for upstream or downstream fish passage criteria (i.e., C2, D2)¹. By extension, this means that the independent reviewer's recommendation² to certify the Project at the 'Plus' level for upstream passage, thereby extending the life of the proposed certification, is also unfounded. Thus, a combination of known passage issues and critical information gaps indicates that the applicant's pursuit of a LIHI certification is premature at this time.

We acknowledge that Douglas PUD has made significant progress towards the Project's passage study/improvement objectives. That being said, the Project should not be certified until the requisite studies are completed and known/identified passage issues are resolved or scheduled for resolution on a defined timeline. Douglas PUD should consider LIHI certification as a longer-term pursuit and we recommend the PUD make investments in monitoring infrastructure (e.g., improved PIT-tag detection in bypass facilities) that can inform the uncertainties noted above as well as support more timely, adaptive management of passage at the Project, in collaboration with tribal and state co-managers.

Thank you for your consideration. If there are any questions or comments, please contact Pete McHugh at (503) 238-0667.

Respectfully,

DocuSigned by:

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Aja K. DeCoteau
Executive Director

¹ LIHI's standard 2 for Upstream (C) and Downstream (D) fish passage criteria requires that "The facility is in compliance with a science-based resource agency recommendation for upstream (or downstream) fish passage and/or fish protection, which may include provisions for appropriate monitoring and effectiveness determinations"

² https://lowimpacthydro.org/wp-content/uploads/2024/10/Final-Wells_Project_StageII_Review-Report.pdf