



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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July 17, 2025

Maryalice Fischer
Certification Program Director
Low Impact Hydropower Institute
68 Harrison Ave Ste 605 PMB
Boston, Massachusetts 02111-1929

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 (CRITFC) welcomes the Low Impact Hydropower Institute's (LIHI) decision to open a second comment period for the pending certification of Douglas County Public Utility District's Wells Hydroelectric Project. (Wells Project). This second comment period is necessary to allow for a full and transparent examination of the significant historical and ongoing impacts of hydropower in the Columbia River basin. CRITFC reiterates its previously¹ stated concerns about the Wells Project's eligibility for certification and also supports and incorporates by reference comments filed by the Yakama Nation in this second comment process.

CRITFC was formed in 1977 by the four sovereign Columbia River treaty tribes: 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.

No hydropower dam on the mainstem Columbia River can genuinely be considered "low impact," regardless of the criteria used to arrive at such a determination. Annually,

¹ CRITFC November 15, 2024, Letter; Joint Yakama Nation, CRITFC, and Washington Department of Fish and Wildlife March 12, 2025, Letter

millions of juvenile salmon, steelhead, and lamprey die on their seaward journeys due to interactions with hydropower dams or the altered river conditions they create (e.g., impoundments that slow travel, increase temperatures, and increase the number of native and non-native predators in the system).² Returning adult fish face a similarly inhospitable river during their spawning migrations, encountering fish ladders that are at times too warm to ascend or stretches of river that are so warm that they cause widespread mortality.³ Wells Dam, like others, contributes to the continued poor status of the threatened and endangered fish that spawn and rear in the Upper Columbia River, such as Upper Columbia River spring chinook salmon and steelhead⁴, as well as non-listed Pacific lamprey and white sturgeon.

The devastating historical and ongoing effects of hydropower dams on the mainstem Columbia River have also disproportionately impacted the region's treaty and non-treaty tribes.⁵ Tribes have worked tirelessly to protect fishing rights and restore fish runs impacted by hydropower development for more than half a century, yet the full redress for these harms remains in question. Certifying a dam as low impact in this setting risks undermining ongoing policy, legal, and public opinion campaigns aimed at restoring the Columbia River's fish runs. It also risks diminishing the perceived responsibility of regulators and dam owners to ensure tribal fishing rights are protected. Finally, certifying the Wells Project would set a problematic precedent, encouraging similar certification attempts for other mainstem Columbia River dams due to the financial benefits involved.

A Call for True Low Impact, Not Regulatory Compliance

LIHI plays a vital role in driving improvements at dams for fish and tribal trust resources. CRITFC supports the recent Certification Handbook updates that clarify expectations around tribal engagement during the pre-application process. We recommend that LIHI view the Wells Project application through this lens.⁶

CRITFC also suggests that LIHI look beyond mere regulatory compliance with FERC license and Habitat Conservation Plan (HCP) requirements when making its decision. Certification must be reserved for projects that are genuinely low impact or have implemented mitigation measures that fully support thriving fisheries and healthy ecosystem function. While we commend Douglas PUD for their efforts to support fish restoration initiatives elsewhere in the Upper Columbia, we note that these actions are independent of the settlement terms, regulatory requirements, and mitigation strategies associated with the

² Scott et al. 2023, *Riv. Res. Appl.*; Naiman et al. 2012, *PNAS*; Independent Scientific Advisory Board Report 2019-1

³ Crozier et al. 2020, *PLoS ONE*

⁴ 2022 5-Year Review: UCR Spring-run Chinook Salmon and Steelhead; Columbia Basin Partnership Phase II Report

⁵ Department of Interior 2024 Tribal Circumstances Analysis

⁶ Low Impact Hydropower Certification Handbook, 2nd Edition

Wells Project, and in no way address the ongoing effects of the project for which certification is being sought.

LIHI Criteria and Project Eligibility

Even if LIHI relies on compliance history as the primary basis for certification, the Wells Project still falls short of a “low impact” standard. The Yakama Nation letter outlines these shortcomings in detail. When considering LIHI’s criteria, it is clear that the Wells Project should be ineligible for certification.

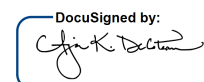
- **Upstream Passage (Criterion C):** Passage effectiveness and passage survival are either poorly quantified (i.e., adult salmonids) or completely unknown (i.e., white sturgeon). Passage improvements or retrofits designed to benefit Pacific lamprey are insufficient.
- **Downstream Passage (Criterion D):** The Wells Project does not support safe and effective downstream passage for adult steelhead, especially those demonstrating “overshoot” behavior that might otherwise descend the dam to reach their spawning grounds during the fall or winter. Representative estimates of downstream passage survival for juvenile spring chinook salmon are also lacking for the Project. Estimates of passage survival for subyearling chinook salmon are missing altogether. These passage deficiencies are also inconsistent with agency and tribal recommendations required under the selected standards (i.e., C-2, D-2).
- **Threatened and Endangered Species (Criterion F):** Beyond the obvious impacts on ESA-listed fish due to the passage deficiencies noted above, the Wells Project lacks ESA coverage for Mid-Columbia and Snake River steelhead. Yet, the data presented in Yakama Nation’s appendix clearly show that these high-value fish not only interact with the Project but also experience unmitigated take. Furthermore, we note that the Project’s ESA permitting relied on “interim recovery level” abundance goals, which may stave off extinction but are insufficient for supporting meaningful tribal and non-tribal fishing.
- **Water Quality (Criterion B):** Wells PUD is currently working with the Washington Department of Ecology to develop a plan supporting compliance with the state’s temperature standards, both at the Wells Project and throughout the broader hydropower system.⁷ This process highlights how all projects contribute to system-wide warming, even in months when they may be locally compliant but contribute to the systemwide heat load, such as in June at the Wells Project. This may lead to amendments to the Wells Project’s 401 water quality certificate in the coming year.

⁷ Columbia River & Lower Snake River TMDL - Washington State Department of Ecology

In light of the evidence presented and continuing impacts of the Wells Project on tribal treaty resources and the Columbia River ecosystem function, CRITFC respectfully urges the LIHI to deny certification for the Wells Project. Granting certification would not only mischaracterize the Project's impacts but also erode the credibility of the LIHI program, which needs to be a standard-bearer for high quality and protective hydropower. True "low impact" certification should reflect measurable benefits to fish, water quality, and tribal treaty rights.

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

Respectfully,

DocuSigned by:


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Aja K. DeCoteau
Executive Director