

From: **Kevin Colburn** <kevin@americanwhitewater.org>

Date: Tue, Feb 17, 2026 at 11:14 AM

Subject: Re: Hawks Nest Hydro

To: Kayla Smith <kaylamsmith024@gmail.com>

Hi Kayla,

Sorry about the disconnect on scheduling a meeting. I was heading out on vacation and missed connecting with you.

Here are a few comments on Hawks Nest and LIHI.

- The minimum instream flows in the project's significant and biologically diverse bypassed river reach are far below recommendations by USFWS and other agencies. The licensee opposed adoption of adequate minimum instream flows, and was successful. The river does not currently have what it needs.
- The licensee fought pulse flows that would restore some of the massive loss of whitewater boating opportunities caused by the project. They pushed politically and in the process for little or no mitigation of these impacts. The resulting 401 cert was terrible, we appealed it, and the result (only 9 days of releases, at flows below natural summer base flow, in a river that would have been predictably boatable every day of the year) is also very bad and far below what is a typical outcome.
- The licensee adamantly opposed allowing public vehicular access to the logical put in on the bypassed reach, and won that argument, so the public can only paddle 3/4 of the bypassed reach unless they can carry their boat over a mile.
- The licensee and their sole customer apparently leveraged political lobbying to secure a favorable license from FERC. While FERC was deliberating, the WV congressional delegation sent a letter to FERC asking for minimal mitigation.

In this process the Licensee fought for di minimus mitigation, and largely won through political and direct opposition to agencies and the public. This may change in the current amendment of the project license, but the current state of the project is far from low impact.

Kevin Colburn

National Stewardship Director

American Whitewater

828-712-4825

kevin@americanwhitewater.org

www.americanwhitewater.org