



United States Department of the Interior



FISH AND WILDLIFE SERVICE
La Grande Field Office
3502 Highway 30
La Grande, Oregon 97850
Phone: (541) 962-8584 FAX: (541) 962-8581

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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: U.S. Fish and Wildlife Service Comments on PacifiCorp Energy (PacifiCorp) Wallowa Falls Hydroelectric Project, Pre-Application Document; Scoping Document No. 1; and Identification of Issues and Study Requests for the Wallowa Falls Hydroelectric Project (**FERC Project No. P-308-005**)


Dear Ms. Bose:

The Fish and Wildlife Service (Service) has reviewed PacifiCorp's Pre-Application Document (PAD), the Commission's Scoping Document 1 (SD1) and request for identification of issues and study proposals related to the Wallowa Falls Hydroelectric Project, FERC No. P-308-005, in Wallowa County, Oregon. PacifiCorp proposes to file an application for new license for the Wallowa Falls Hydroelectric Project. Bull trout (*Salvelinus confluentus*), federally-listed as threatened, and designated bull trout critical habitat occur in the area. On February 23, 2011, the Commission issued a Notice of Intent to File a License Application, Filing of a PAD, Solicitation of Comments on the PAD and SD1, Solicitation of Study Requests, Scoping Meetings, and Commencement of Licensing Proceeding. We submit the following comments and recommendations (enclosed) under the authority of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661 *et seq.*), and the Federal Power Act (16 U.S.C. 791a *et seq.*).

The Service attended the September 16, 2010, and May 11, 2011 site visits at the Wallowa Falls Hydroelectric Project area. The site visits were very informative and provided us with additional background on the Project. We appreciate the opportunity to comment during the planning stages of the Project. Our comments will be limited to providing your agency comments on the PAD, SD1, our fish and wildlife objectives, and our support for study proposals.

If you have any questions regarding this response, please contact Gretchen Sausen at the above address. Gretchen can be reached at (541) 962-8695, by fax at (541) 962-8581, or by email at gretchen_sausen@fws.gov.

Sincerely,



Gary S. Miller
Field Supervisor

Enclosure

cc:

Service list

Allison O'Brien, REO, Office of Environmental Protection, Portland, Oregon

Estyn Mead, Fish and Wildlife Service, Portland, Oregon

Joe Zisa, Fish and Wildlife Service, Portland, Oregon

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**U.S. Fish and Wildlife Service Comments on the
Pre-Application Document, Scoping Document 1, and Study Requests for the
Wallowa Falls Hydroelectric Project
FERC No. P-308-005**

I. Pre-Application Document (PAD)

Specific Comments

Chapter 2 - Project Location, Facilities and Operation

Project Operations and Existing License

Page 17 and 21, Article 401: The document references a minimum flow of 0.5 cfs in the bypassed reach of the E.F. Wallowa River for protection of fish and wildlife in the East Fork Wallowa River. Who required it and how was it determined? Recommend that there is an evaluation as to what is needed currently for fish and channel requirements and for potential future fish needs.

Page 17, Article 402: In addition, this would likely protect any potential bull trout spawning activities post-August 30th.

Page 20, 2.4.3: Recommend adding *bull trout* to this statement.

Chapter 3 – Description of Existing Environment and Resource Impacts

Fish and Aquatic Resources

Page 33, 3.32, Fish community: Fish listed are salmonids. Other fish probably include dace, sculpins, suckers, shiners and other native non-salmonids. Recommend the entire fish community be documented, not only the salmonids.

Page 33, 3.32, last paragraph: Historically, bull trout were present in the Wallowa River above Wallowa Lake but were believed to be extirpated by the 1950's (Buchanan *et al.* 1997).

Page 34, Sockeye: Use "extirpated" instead of "extinct".

Wildlife Habitats

Page 43, Riparian Habitat: The Forest Service PACFISH/INFISH riparian Riparian Habitat Conservation Area (RHCA) is 300 feet for fish bearing streams, 150 feet for non-fish bearing streams, and 100 feet for intermittent non-fish-bearing streams. The West Fork and East Fork Wallowa Rivers are fish bearing so would require the 300 foot RHCA and Royal Purple is non-fish bearing and would require a 150 foot RHCA.

Page 45, Wildlife Species, Mix Montane Forest: Recommend you add the North American Wolverine (*Gulo gulo luscus*). Also recommend you add Northern Columbia spotted frog (*Rana luteiventris*) to the frogs.

Rare, Threatened and Endangered Species

Page 46, 3.3.1: Buchanan *et al.* (1997) report both hatchery Dolly Varden and bull trout (*salvelinus confluentus*) introduced into Wallowa Lake in the 60's and 70's.

Page 47, 3.5.1: Remnant native stock of bull trout in Wallowa Lake is very unlikely. It would have been 31 years ago that they were last stocked in the lake. For a 10-15 year life expectancy, 31 years appears very unlikely.

Page 47, Terrestrial: Recommend adding North American wolverine – Federal candidate species.

Page 48, Northern Columbia spotted frog: The Northern Columbia Spotted frog that occurs in Wallowa County (and occurs in the Wallowa and Lostine River areas) has been removed from the candidate list. The Great Basin Columbia Spotted Frog distinct population segment remains on the list within its range.

Page 52, North American Wolverine: Wolverine have been confirmed in the Wallowa Mountains, potentially near the project area, by both tracks and photos. Two individuals were confirmed by tracks on April 17, 2011, and photos document these two wolverines on April 2, and April 13, 2011.

Page 55, Bald Eagle: Roost data from April 1992 at Wallowa Lake (T3SR45E sec 20 W1/2 & 7SW) includes BC confluence with West Fork Wallowa River and including and near campground area. The project vicinity may currently be included in the Wallowa Lake Roost area (Isaacs *et al.* 1992). Nest at south end of lake has been producing typically 2-3 juveniles per year (Sausen pers. comm. 2011). Utilize the Service's National Bald Eagle Management Guidelines (USFWS 2007a), in particular page 14; 1 and 4, and page 15; 1, 3, and 4.

Page 55, Gray wolf: On May 5, 2011, the Fish and Wildlife Service published a final rule – as directed by legislative language in the recently enacted Fiscal Year 2011 appropriations bill – reinstating the Service's 2009 decision to delist biologically recovered gray wolf populations in the Northern Rocky Mountains. This covers the eastern third of Oregon, including within the Wallowa Falls Project area.

Page 55, North American Wolverine: Recent documentation in April 2011 confirmed two individuals in the Wallowa Mountains/Eagle Cap wilderness area. Wolverine may occur in or near project area.

Page 55, Canada Lynx: This species is federally listed as threatened. The Service considers any lynx in Oregon as dispersers, and stated in our remand notice in 2003 that “there is no evidence that a resident population ever occurred in Oregon.” The Service also signed a revised conservation agreement with the Forest Service in 2005 that called for defining occupied lynx habitat. Based on the national lynx surveys done on the three Blue Mountain Forests (Wallowa-Whitman, Umatilla, and Malheur), no occupied habitat was identified. The lynx has been taken off the Oregon county species lists. Without lynx on our species list, agencies are no longer consulting with our office on that species.

Page 63, *Silene spaldingii*: The closest known population, and one of four draft key areas for recovery within the Blue Mountain Basin occurs at the north end of Wallowa Lake on National Park and state lands (USFWS 2007b).

Chapter 4 – Preliminary Issues and Studies List

Page 71, 4.1.3 Fish and Aquatic Resources: Bull Trout designated critical habitat includes the West Fork and East Fork Wallowa Rivers and downstream (USFWS 2010).

Page 73, 4.2.3 Fish and Aquatic Resources: Recommend a potential study to determine abundance of brook trout in project area. Since brook trout pose a threat to bull trout through hybridization, competition, and possible predation, a feasibility study to determine if there needs to be a population control strategy may be appropriate. If so, we recommend measures be identified to limit downstream migration of brook trout into areas occupied by bull trout. This may need to be analyzed in the instream flow methodology.

Page 74, Wildlife Observations: Recommend the project address the bald eagle roost/forage area and potential effects associated with projects, including timing of explosives (during maintenance activities), etc. occurring outside of nesting and roosting periods. Recommend surveys for amphibians and, if present, assess the potential effects of reservoir and flow changes on these species. Recommend the project be sensitive to amphibians; when electrofishing for fish, check for amphibians in the area, and if present, use lower settings. Settings can be increased when in an amphibian-free stream/reservoir area of the project.

During the site visit on May 11, 2011, Gretchen Sausen (Service biologist) photographed an aquatic plant in the EF Wallowa River forebay (on the northeast side) that we recommend be identified to determine if it is a native or an invasive aquatic plant. If identified as an invasive plant, recommend analysis of treatment methods, if necessary.

Literature Cited

- Buchanan, D., M. Hanson, and R. M. Hooten. 1997. Status of Oregon's bull trout distribution, life history, limiting factors, management considerations and status. Oregon Department of Fish and Wildlife, Portland, Oregon.
- Isaacs, F.B., S.L. Reed, E. R. Reed, and R.G. Anthony. 1992. Habits of Bald Eagles Wintering in Northeastern Oregon and Adjacent area of Washington and Idaho. Final Report. Oregon Cooperative Wildlife Research Unit, Department of Fisheries and Wildlife, 104 Nash Hall, Oregon State University, Corvallis, Oregon 97331-3803. October 12, 1992.
- ODFW (Oregon Department of Fish and Wildlife). 2011. ODFW News Release; Subject: Trail Camera Records Photos of two wolverines in Wallowa County, Wallowa Mountains of Northeast Oregon. Contact Meg Kenagy, ODFW Oregon Conservation Strategy Communications Coordinator. April 25, 2011.
- USDA Forest Service. 1995a. Inland Native Fish Strategy (INFISH). Decision notice/finding of no significant impact, environmental assessment; interim strategies for managing fish-producing watersheds in eastern Oregon and Washington, Idaho, western Montana, and portions of Nevada. 17 pp.

USDA Forest Service and USDI Bureau of Land Management. 1995b. Interim Strategies for Managing Anadromous Fish Producing Watersheds On Federal Lands In Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH).

USFWS (U.S. Fish and Wildlife Service). 2010. Federal Register notice, 50 CFR Part 17. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical habitat for the Bull Trout; Final Rule Vol. 75, No. 200. October 18, 2010.

USFWS (U.S. Fish and Wildlife Service). 2007a. National Bald Eagle Management Guidelines. U.S. Fish and Wildlife Service. May 2007.

USFWS (U.S. Fish and Wildlife Service). 2007b. Recovery Plan for *Silene spaldingii* (Spalding's Catchfly). U.S. Fish and Wildlife Service, Portland, Oregon. xiii+ 187 pages.

Personal Communications

Sausen, G. 2011. Personal communication to FERC concerning knowledge of bald eagle nest success at Wallowa Lake. Wallowa Lake nest observer for statewide effort since 2004. USFWS, La Grande Field Office, 3502 Hwy 30, La Grande, OR 97850. May 2011.

II. Scoping Document 1 (SD1)

The Fish and Wildlife Service (Service) provides the following comments on the scope of the Federal Energy Regulatory Commission's (Commission) proposed environmental analysis, and the resource issues to be addressed in the Environmental Assessment (EA) that the Commission plans to prepare for this Wallowa Falls Hydroelectric Project (Project).

Service Goals and Objectives

The Service seeks the accomplishment of several resource goals and objectives through the relicensing process for the Project. General goals include the following:

1. Ensure that protection, mitigation, and enhancement measures are commensurate with Project effects and help meet regional fish and wildlife objectives for the basin
2. Recover federally proposed and listed species
3. Conserve, protect, and enhance the habitats of fish, wildlife and plants that continue to be affected by the Project.
4. Ensure that once the relicensing is complete, there is an adaptive management plan that allows for the use of new information or new management strategies over the term of the license, bringing us closer to the desired level of protection for fish and wildlife resources. The adaptive management approach is particularly appropriate where there are insufficient data and/or biological uncertainties about those measures that will be most effective for meeting ecosystem goals and objectives.

Goals for Endangered, Threatened and Proposed Species

1. Reduce project effects on threatened, endangered, and proposed species on or adjacent to the Project
2. Explore opportunities for potential protection, mitigation, and enhancement measures for threatened, endangered, and proposed species.
3. Gain a better understanding of bull trout occurrence and any impacts related to the Project

In addition, an overarching Service goal is for the relicensing of the Project to succeed in having the Commission include, as license conditions, protection, mitigation, and enhancement measures that sustain, to the extent possible, normal ecosystem functional processes including geomorphic, hydrologic, and hydraulic patterns, and water chemical and physical parameters. Maintaining and improving these functional processes throughout the term of the new license will, in turn, provide habitat to support healthy fish and wildlife populations.

The Service generally agrees with the Commission's preliminary list of issues that will be addressed in the EA. Specifically, gaining information on bull trout use of the project area and any potential water quality/quantity effects to bull trout and their designated critical habitat will be important to assist the Service in our analysis of Project effects.

Specific comments

4.0 SCOPE OF CUMULATIVE ANALYSIS AND RESOURCE ISSUES

4.1.3 Fish and Aquatic Resources

FERC Issue: Rainbow and brook trout use of, as well as relative abundance within, Project waters and the East Fork by pass reach should be further examined.

The Service agrees with FERC's proposed issue but would also include project effects on available aquatic habitat for brook trout (making it less available), kokanee, and other fish species in the project area and directly upstream.

4.1.4 Wildlife and Botanical Resources

FERC Issue: There is limited information on the wildlife, wetland, and botanical resources within the Project area and the impacts associated with the project to these resources.

The Service agrees with FERC's proposed issue but would also include project effects to potential aquatic invasive plant or animal species in the project area, if any.

We also recommend including project effects to the bald eagle. Recommend the project be sensitive to the bald eagle roost/forage area and potential effects associated with projects, including timing of explosives (during maintenance activities), etc. outside of nesting and roosting periods.

We also recommend including project effects to local amphibian populations in the project area.

III. Proposed Studies

Our comments and support of proposed studies are intended to facilitate the collection of information necessary to conduct effects analyses and to develop conservation measures, reasonable and prudent measures, and protection, mitigation, and enhancement measures pursuant to the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended (16 U.S.C. 661 *et seq.*), and the Federal Power Act (FPA) (16 U.S.C. 791a, *et seq.*).

The Service supports the following studies proposed by ODFW and the Forest Service:

1. The collection and analysis of stream flow information at the project action area and directly upstream.

Potential studies recommended by the Service:

1. Recommend a study to determine abundance/distribution of brook trout in project area and directly upstream of the EF Wallowa River Forebay. Any hybridization with bull trout (through genetic sampling of brook trout and bull trout) in the project area. Since brook trout pose a threat to bull trout through hybridization, competition, and possible predation, a feasibility study to determine if there needs to be a population control strategy. If so, recommend measures be identified to limit downstream migration of brook trout into area occupied by bull trout. This may need to be analyzed in the instream flow methodology.
2. Survey the project area, in particular the EF Wallowa River Forebay, for aquatic plants to determine if species are native or invasive, and if invasive, determine a strategy for control.
3. Survey the project area for amphibians and if present, assess the potential effects of reservoir and stream flow changes on the populations.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp Energy

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) FERC Project No. 308-005
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Comments on the Pre-Application Document,
Scoping Document 1 and Study Requests

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) Wallowa Falls Hydroelectric
) Project
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Certificate of Service

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 21st day of June, 2011.



Gary S. Miller
Field Supervisor
U.S. Fish and Wildlife Service
3502 Highway 30
La Grande, Oregon 97850

SERVICE LIST for FERC P-308

<p>Russ Howison Licensing Project Manager PacifiCorp Energy 825 NE Multnomah Suite 1500 Portland, Oregon 97232</p>	<p>Matt Cutlip FERC Matt.cutlip@ferc.gov</p>
<p>Forest Supervisor Wallowa-Whitman National Forest PO Box 907 Baker City, OR 97814</p>	<p>District Ranger Eagle Cap and Hells Canyon NRA PO Box 905 Joseph, OR 97846</p>
<p>Marilyn Fonseca DEQ 811 SE 6th Ave Portland, OR 97204</p>	<p>City of La Grande 1106 K. Ave. La Grande, OR 97850</p>

Ken Homolka ODFW – Hydropower Program Leader 3406 Cherry Ave. NE Salem, OR 97303	Mike Gerdes Wallowa-Whitman NF Hydropower Coordinator USDA Forest Service 3160 NE 3 rd St. Prineville, OR 97754
Mary Grainey OWRD – Hydroelectric Program Coordinator 725 Summer St. NE Salem, OR 97301	City of Haines PO Box 208 Haines, OR 97833
Wallowa County Board of Commissioners 101 S. River Street Enterprise, OR 97828	City of Joseph 201 N. Main Street Joseph, OR