

**EXECUTIVE SUMMARY FOR BLM COMMENTS
ON HELLS CANYON COMPLEX RELICENSING
DRAFT LICENSE APPLICATION
January 27, 2003**

BLM has prepared and submitted a response to Idaho Power Company's (IPC) Draft License Application (DLA) for the Federal Energy Regulatory Commission (FERC) Relicensing of Hells Canyon Complex (HCC) project # 1971. BLM has participated in the Relicensing process since 1996 working with IPC, other agencies and Non Governmental Organizations (NGO). We have also worked closely with other federal and state agencies in preparing our comments to ensure consistency and clarity. We have provided the applicant a detailed issues paper and other guidance materials to assist in the development of the application package and the resource management plan prepared by IPC.

The DLA is contained in 46 volumes totaling 30,000 pages. Our response, over 400 pages, covers general and specific comments as well as recommendations and additional study needs by key issues. We also provided detailed analysis and comment on all pertinent IPC studies.

This represents the initial step in the traditional FERC Relicensing process. Once IPC receives comments from agencies and other interested groups and individuals, they will proceed to incorporate them into their final license application (FLA) to be filed with FERC by July 2003. BLM will review and provide comments to FERC through a consolidated Departmental response including preliminary Protection Mitigation and Enhancement (PME) measures to mitigate project impacts.

GENERAL COMMENTS

- Project boundaries were changed in the DLA and should have included proper impact analysis. Determining project boundaries are critical to assigning jurisdictional responsibilities and should be done only after consultation with BLM.
- The document should have disclosed and mitigated for "continuing impacts to fish, wildlife and botanical resources." This is a requirement as stated in FERC regulations 18 CFR 4.51(f)(3)(iv) to be in compliance.
- Only two flow scenarios were analyzed, neither of which are operational under current FERC licensing operation requirements. It is critical that a reasonable array of flow scenarios that incorporate likely foreseeable operations such as Endangered Species requirement from NOAA Fisheries, Fish and Wildlife Service, Oregon Fish and Wildlife, and Idaho Fish and Game be developed and analyzed in the FLA.
- BLM submitted an issues document in December 1999 which specified the area of project impacts below the mouth of the Salmon River to Captain John Creek, below the mouth of the Grand Ronde River. However, this area was not analyzed in the FLA. This analysis should be done in the FLA.
- Most studies provided data which should be drawn upon for conclusions with regard to impacts or appropriate mitigation measures.
- As a reminder, BLM is responsible for the management of public land resources within the project boundary that are not related to project operations of the hydropower facilities.

- It has come to BLM's attention that IPC has recently filed for a Right of Way (ROW) on 5 transmission lines that are in the DLA. IPC most likely will remove some their transmission lines from the FERC license in July and come to BLM for a ROW. BLM may require IPC to provide additional information to comply with federal laws and mandates prior to authorization of the ROW.
- It would be constructive to integrate all resource management actions into a single plan for the future. This would need to be done in cooperation with resource management agencies and tribes.

AQUATIC ISSUES

Anadromous Fish

- IPC determined that reintroduction of anadromous fish was not feasible due to diversions, pollution, and loss of smolts in lower river dams. BLM supports other federal agencies in suggesting the establishment of an Interagency Reintroduction Commission to finish the feasibility study, and implement the findings within a reasonable time after the license is issued.
- HCC alters downstream temperatures for Fall Chinook spawning causing later fry emergence. Other experts say this delay causes increased mortality therefore changes should be made to flows or dams to further restore the historic temperature regime.
- IPC's hatchery success program is currently at 70%. BLM suggests that IPC consider establishing an annual budget for 100% success and utilize any unused funds annually to benefit the hatchery program.
- Plans for reintroduction of steelhead above the dams should be included and analyzed. These are key forage for bull trout and important for nutrient cycling. IPC should evaluate, in cooperation with ODFW and IDFG the opportunity for reintroduction in the tributaries to Hells Canyon and Oxbow pools.
- Studies should be conducted on Pacific lamprey. This is a key species for tribes and forage for other fish so BLM suggests IPC, in cooperation with ODFW and IDFG, do trap and haul of lamprey into tributaries of Hells Canyon and Oxbow pools.

Other Native Fish

- IPC proposes reintroduction of bull trout to only Hells Canyon pool. A plan to trap and haul to all three reservoirs as soon as FWS, ODFW, and IDFG concur as well as, conducting continuous monitoring for bull trout is suggested.
- BLM supports FWS requirements for bull trout restoration.
- IPC acknowledges white sturgeon are nearly extinct in the HCC and should offer a solution to ensure the continued presence of this species in this region. The water quality must be improved to meet DEQ and EPA requirements. The white sturgeon Plan, to do trap and haul around all three pools when it is approved by ODFW and IDFG, is supported by BLM. There is also a need to improve the habitat in the Oxbow bypass area for white sturgeon.
- Redband trout were found with low body weight in all three pools due to poor habitat quality. IPC plans to improve habitat for them in Hells Canyon and Oxbow pools. BLM asks IPC to improve water quality in all three pools, including habitat improvement for Brownlee.

- Modification of culverts on all roads adjacent to the reservoirs to meet fish passage standards to tributaries is also needed.

Non Native Sport Fish

- IPC has a warm water fish plan that provides stable water levels in the pools during spawning in average or low water years. ODFW and IDFG management standards for warm water fish should be included into the plan.
- Reservoir drop requirements from the Army Corps of Engineers (ACOE) were exceeded in at least 1994, 1999 and 2000, which has probably affected warm water fisheries. The affects of these drops to the warm water fishery should be considered.

Food Base and Invertebrates

- IPC found the food base to be adequate for most fish species however most had poor body weight, which is most likely due to poor water quality. BLM concurs that the water quality in all three pools must be improved.
- IPC found the ESA listed Bliss Rapids Snail below HCC. Further inventory and assessment of project impacts for this species is needed.

Flows and Water Quality

- A reasonable range of flow scenarios and the analysis of their effects on key resources is needed. Flows and predicted affects should be correlated.
- IPC acknowledges water quality problems in the pools, particularly with dissolved oxygen, temperature and total dissolved gas (TDG). BLM supports plans for improving these components.
- IPC plans to install deflectors in the Hells Canyon Dam to reduce TDG below the HCC. Evaluation of the installation of similar deflectors in the other two dams is needed as well, since TDG is a problem throughout the complex.

Geomorphology and Sediment

- IPC's analysis of the sediment transport in the complex is questioned by other professional experts. BLM suggests that IPC conduct a statistically accurate study of sediment resources and offer appropriate mitigation.

Below the Mouth of the Salmon

- Studies regarding impacts to BLM resources in this area should be done to determine effects and mitigation prior to filing of the FLA.

TERRESTRIAL ISSUES

- An Interagency Team to guide terrestrial issues decisions in HCC should be formed to assist in long term management of the canyon regarding decisions on management actions, land acquisition and monitoring.
- BLM submitted an issues document in December 1999 that needed to be addressed in the DLA. All of the BLM terrestrial issues specified should have been analyzed in the DLA. The remainder should be addressed in the FLA.

T & E and Special Status Species

- IPC should help in the protection of the Idaho Ground Squirrel through road management plan development.
- An analysis of continuing impacts to Bald Eagle's and adequate monitoring to insure compliance with the Bald Eagle Recovery Plan is needed.
- Transmission lines should be regularly monitored for bird collisions. Modifications to these lines may be needed.
- Further evaluation of the impacts to resources from the presence of DDT and other contaminants in the reservoir systems is needed.

Upland Habitats

- Analysis of continuing impacts of inundation to upland habitats should be done prior to filing of the FLA. Most likely mitigation will require at least a 2:1 replacement ratio to accommodate for key habitat acres.
- IPC has identified acquisition mitigation for impacts in the fluctuation zone. These acres should be added to the inundation acres as described above.
- BLM, in accordance with its policies, will make decisions on BLM lands regarding issues that are not related to project operations within the FERC withdrawal. This would include those lands acquired using the Conservation reserve program.
- Project impact discussions on Rocky Mountain elk and pronghorn antelope should be included in the FLA.
- Studies on impacts to mule deer from reservoir icing should be done when icing occurs.

Riparian Habitats

- Analysis of continuing impacts of inundation to riparian habitats should be done prior to filing of the FLA. Most likely, mitigation will require at least a 2:1 replacement ratio to accommodate for key habitat acres.
- IPC has identified acquisition mitigation for impacts in the fluctuation zone. These acres should be added to the inundation acres as described above.
- The impact of erosion from wave action or roads or recreation use to riparian acres should be evaluated in the FLA. A road management plan for the canyon would facilitate implementation of mitigation.
- The continuing impacts of the loss of islands should be addressed and mitigated. BLM suggests evaluating the construction of a holding area in the Powder Arm for waterfowl use and island construction.

Erosion/Roads/Recreation

- IPC should provide the details of the erosion analysis that offers 90 acres for compensation. These details should include the relationship of the erosion to public lands in the current project boundary.
- The development of a road management plan for the canyon as well as, participation in the operation and maintenance costs of the Snake River Road, Homestead Road and Steck Park Road is suggested.
- Reduction of recreation impacts to riparian and upland areas is needed.

Transmission Lines

- If IPC removes the transmission lines (over 260 miles) from the FERC license they may be expected to provide BLM with the additional information needed to comply with the federal laws and mandates prior to the authorization of the ROW.

Noxious Weeds

- The location of herbaceous noxious weeds in the study area should be identified. This would be helpful to assist in the coordinated efforts for weed treatment.
- Regular inventories, treatment plans and funds in cooperation with the other managing agencies, should be made available to treat noxious weeds. BLM would provide oversight for this work on BLM lands.

CULTURAL RESOURCES ISSUES

Programmatic Agreement

- The Programmatic Agreement prepared by FERC should include BLM as a full signatory party to the agreement.

Cultural Resource Management Plan

The CRMP should be revised and completed in consultation with BLM before it is implemented. The cultural resource management plan should contain more specific information and include a more comprehensive adaptive management program. The plan should include:

- Measures for inventorying areas covered by water during the initial survey. In addition to measures for inventorying areas at the project implementation level, systematic, ongoing inventories of draw down areas, should be conducted using a design adaptive to changing conditions, until all areas exposed during such events have been examined. Periodic re-inventory of areas that had poor to zero visibility previously should be conducted.
- Procedures for review of operation, *maintenance*, and construction activities.
- Agreement about the types of undertakings and classes of affected properties that will trigger case-by-case review; and types of undertakings that would be excluded from inventory or review.
- Measures for avoiding or mitigating adverse effects to historic properties. Although such measures are generally addressed in the CRMP, the triggers and timing for mitigating adverse effects need clarification.
- The process to resolve adverse effects to properties that may be discovered during project implementation.
- Monitoring Procedures: The monitoring plan needs changes and further refinement. In addition to monitoring sites for condition changes, the plan should provide for monitoring protection projects (stabilization or other mitigation such as road closures) for implementation over the term of the license. A program of annual monitoring on the three reservoirs for the first three years should be created. Then it will be necessary to re-prioritize; or continue annual monitoring until other protection and mitigation measures have been designed and scheduled for implementation. A more detailed monitoring plan should be mutually developed and agreed upon before the monitoring program is

implemented. Then, the procedures and monitoring plan can be reviewed and evaluated by all parties for the next cycle.

- Enforcement: BLM, Idaho and Oregon State law enforcement personnel should be included in the monitoring plan and its implementation. Additional law enforcement patrols, should be supported during peak use weekends. This would facilitate protection of cultural resources and discourage casual vandalism.
- Procedures for dealing with human remains and other items subject to the Native American Graves Protection and Repatriation Act (NAGPRA). Clarification of roles and responsibilities, and some additional detail about securing sites and reburial are needed.
- Employment of a Cultural Resource Manager and Cultural Resources Coordinator for the project that meets the Secretary of Interior's Standards and Guidelines for professional qualifications is suggested.
- For all activities conducted by professional archaeological or historical resource contractors or by professional employees on lands administered by the BLM, the appropriate permit will be obtained from the land manager under Federal Land Policy and Management Act (FLPMA) or Archaeological Resources Protection Act (ARPA). The necessary fieldwork authorization will be obtained from the field manager prior to the commencement of fieldwork.
- Provisions and funding for curation of archaeological/historic materials and associated records at a designated repository that meets federal curation standards (36 CFR 79); and acknowledgment that the materials are federal property.
- Procedures for maintaining the confidentiality of site location information protected under the ARPA.
- The interpretive plan to include funding to provide heritage protection messages and/or interpretation at existing and future developed recreation sites on BLM land, in consultation with the BLM and Tribes.
- Make a provision in the general management plan for paleontological discoveries and/or mitigation in the event that a locality may be impacted by project operations. Provisions should be consistent with BLM Manual 8270.

The following items are requested as additional information needs for the FLA:

- The Area of Potential Effect should include all areas of recreation, draw down zones, transmission line roads, and the Snake River downstream from the Salmon River to Captain John Creek.
- The erosion effects on Snake River archaeological properties downstream of Salmon River to Captain John Creek;
- The completion of the investigations needed to make final determinations of eligibility for sites identified as "potentially eligible".
- Additional studies if necessary, should be conducted to establish whether or not traditional cultural locations are National Register-eligible Traditional Cultural Properties.
- Assessment of paleontological potential of the three reservoirs area and a paleontological discovery protocol consistent with BLM requirements.

RECREATION ISSUES

The DLA should have provided an explanation of the basis for proposed mitigation measures. Technical reports should link study results with justifications for specific mitigation measures.

IPC proposes to include counties and agencies in a number of cooperative planning efforts. Information on how the planning process is to work should be provided. IPC indicates funding needs for projects on non-IPC lands will be the cooperative responsibility of agencies and counties. Justification for this agency funding should be provided. It is difficult to determine if IPC funds will be sufficient for measure implementation or if they are the appropriate share based on project impacts. Agencies are dependent on appropriated dollars. IPC should identify funding levels required by agencies and propose an alternative plan if these funding levels are unavailable. Therefore, the FLA should: 1) Provide specific justification for proposed measures, 2) Propose the percentage shares of responsibility for implementation, 3) Provide specific details for each measure including, but not limited to, process for plan development and total cost for project implementation.

Recreation Use

- IPC collected recreation use data from 1994 to 2000. This data was used for all recreation studies. The data should be representative of use over the life of the license, which has high and low use cycles. This study period appears to be during a low use cycle.
- The study data should have included non-angling uses, (i.e., driving for pleasure, hunting). These should be addressed in the FLA.
- The study data should have recognized the ethnic population use of reservoirs. This ethnic use of the reservoirs seems high and has special needs that should be addressed in the FLA.

Reservoir Levels

- The studies recognize that use is driven by water levels in Brownlee Reservoir. They state that full pools for power production are preferred and that drawdowns occur only due to requirements for flood control and anadromous fishery recovery. However, records show that the drawdowns in some years appear to exceed Army Corps of Engineers (ACOE) and NOAA Fisheries requirements.
- The studies found that crappie populations are driven more by high flow years rather than drops in reservoir levels. A warmwater fishery plan that stabilizes water level during crappie spawning is discussed. However, additional studies show that covering the crappie nests with cold water during the spawning may also have a negative impact. Further coordination with ODFW and IDFG is needed.
- The studies should have discussed the economic impact to local economies in relationship to reservoir visitation. Additional information on this impact is needed in the FLA.

Developed Sites

- IPC study findings include; 1) need improved boat launches, and 2) visitor satisfaction with BLM facilities is lower than at any other developed sites. BLM agrees with these findings. IPC has proposed to develop and implement a boat moorage plan for the HCC reservoirs and enhance Spring Recreation Site, which responds to these findings. However, no specific details are provided. Detailed site plans need to be developed in the FLA.
- Steck Park is a BLM recreation facility in Idaho and should be addressed in the FLA.

Dispersed Sites

- The studies inventoried 139 sites along the reservoirs. Litter and sanitation problems were identified as the most important issue. Additional portable and vault toilets are proposed at appropriate dispersed recreation sites as well as the institution of an annual litter patrol. BLM supports this measure but specific information on the litter and sanitation program needs to be provided to determine if funding levels are suitable.
- IPC has proposed to enhance several dispersed sites on BLM lands in Oregon but is silent regarding dispersed site needs in Idaho. The FLA should link the study results with a justification for specific mitigation measures.
- The DLA proposes a low-water boat ramp at Swede's Landing. Such a ramp would require auxiliary facilities that have not been planned nor funded. The development of the site plan details and total cost for project implementation is needed in the FLA.

Trails/Trailheads

- The studies should have addressed trails on BLM lands since internal studies found that 25% of users want more trail opportunities. Enhancement opportunities exist and appropriate mitigations should be addressed in the FLA.

Rivers

- The studies should discuss project operation affects on the Grande Ronde, Lower Salmon, and Snake River to Heller Bar. The study area should be extended to Captain John Creek below the mouth of the Grande Ronde River.
- The studies should discuss Heller Bar. The Heller Bar recreation area is a primary takeout and launch site that is affected by IPC operations. Mitigations are needed here (additional ramp, Heller Bar Road maintenance).

Safety and Law Enforcement

- The studies identified seven different jurisdictions (federal, state and local) that need coordination. The proposal to coordinate a "forum" will not address the law enforcement needs. A law enforcement plan that specifies jurisdictional responsibilities and funding is needed.
- Public recreation safety, including EMT and ambulance service needs should be addressed in the FLA.

Interpretive/Education

- IPC proposes a major Information and Education Plan that will address resource issues. This plan would address the key issues.



Roads/Access

- The transportation infrastructure is inadequate to meet existing needs. Alternative road maintenance levels might be needed. The FLA should address an access and travel management plan.
- The DLA identifies the Snake River, Homestead, and Steck Roads as the responsibility of county road districts. These roads serve 100% of the BLM recreation sites along the reservoirs. The FLA should address funding needed for the maintenance of these roads.
- The studies should have addressed Off Highway Vehicle (OHV) use adjacent to the reservoirs. There are existing and growing impacts from OHV use. OHV use is often a secondary activity associated with reservoir visitation, therefore there is a project operations link. The FLA should address a percentage share in the management of this activity.

Operations and Maintenance

- The DLA should have addressed funds to be used for Operation and Maintenance (O&M) on non-IPC sites. Studies found BLM sites, particularly developed sites, do not meet visitor satisfaction levels. The FLA should address capital improvements and on-going maintenance of recreation sites along the reservoirs.
- Oxbow Boat Launch and Carters Landing are BLM sites that IPC has provided capital improvements and O&M since their construction prior to 1968. A precedent may have been made for IPC to contribute towards O&M at non-IPC sites.

Land Acquisition

- A study found heavy public use on several private land sites but should have addressed what mitigation would be appropriate. Acquisition of some private lands for recreation use should be evaluated in the FLA.
- Releases from Rapid River Hatchery draw heavy public use on private lands along the Little Salmon River. The FLA should address this issue.

Recreation Protection Mitigation and Enhancement measures (PM&Es)

- BLM supports all proposed recreation PM&Es in principle. However, they need to be expanded in the following areas: 1) Specific justification for proposed measures is needed, 2) Determination of appropriate share of funding is needed, and 3) Specific details for each measure including, but not limited to, process for plan development or total cost for project implementation is needed.

Next Steps for BLM:

Coordination with other Agencies

- During the spring of 2003 BLM will be continuing their analysis of the project impacts to public resources and evaluating options for protection, mitigation and enhancement (PME's) of these impacts. This will ensure the BLM is ready for comments to FERC on the FLA when it is filed in July 2003. BLM will also work closely with the other federal and state agencies in compiling these measures.

Tribal Consultations

The lands included within the project area have been and continue to have religious and spiritual significance to seven Native American Tribes in the region. Additionally, these lands have been and continue to be used as part of their cultural and traditional beliefs and livelihood. Because of the importance of these lands to the Tribes, BLM has coordinated with them since 1999 on the Hells Canyon Complex Hydropower Relicensing project. BLM has provided the Tribes with information received from Idaho Power and also provided the Tribes with copies of comments to Idaho Power. The applicant, as well as other federal agencies, has also been coordinating with the Tribes on this project for several years.

During the late winter and spring of 2003, BLM will be preparing PME's (protection, mitigation, and enhance measures) which will help mitigate impacts from the HCC on BLM-administered lands within the project area. As BLM begins to prepare the PME's, we will begin Consultation with the seven affected Native American Tribes. Consultation is an effective and ongoing process that allows the affected Native American Tribes an opportunity to provide meaningful and timely input into the development of BLM practices that may affect their Nation. This provides Tribes a forum to suggest acceptable alternatives, mitigation, or remediation to the proposals. The Tribes are partners and problem-solvers in this Consultation process, an important step in fulfilling our Trust responsibility.

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