



The Confederated Tribes of the Colville Reservation
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May 31, 2011

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

Filed via FERC E-Filing Portal

Re: Confederated Tribes of the Colville Reservation's Comments on Wells Dam Relicensing DEIS (Project No. 2149-152).

Ms. Bose,

I submit this comment letter on behalf of the Confederated Tribes of the Colville Reservation ("CCT"), which consists of 12 constituent tribes with a membership of approximately 9,400. This letter concerns the Draft Environmental Impact Statement ("DEIS") for relicensing of the Wells Dam that the Federal Energy Regulatory Commission ("FERC") released for comment on April 6, 2011.

CCT is generally supportive of the recommendations made in the DEIS, and has been pleased by Douglas County PUD and FERC's proactive approach to managing Wells Dam operations and fish passage facilities. However, as described in more detail below, CCT remains concerned that the initial inundation mitigation for impacts to anadromous fish did not adequately redress harm sustained by CCT as a result of the construction of Wells Dam. Accordingly, CCT asks that FERC consider "in place, in kind" mitigation that will help to compensate CCT for harm to its fisheries caused by Wells Dam.

CCT is significantly impacted by operation of Wells Dam and Reservoir. The 1.4 million acre Colville Reservation is bounded on the south and east by the Columbia River and the west by the Okanogan River. The Wells Reservoir is approximately 30 miles long and crosses into the Colville Reservation at the point where the Okanogan River joins the Columbia River. Many of the salmon and steelhead that pass through Wells Dam and Reservoir are on their way to and from CCT's fishing sites along the Columbia and Okanogan Rivers. CCT relies on these salmon and steelhead to meet the cultural and subsistence needs of its members.

Continued operation of Wells Dam will impact CCT's fisheries. Indeed, the DEIS recognizes that "[i]njury and mortality caused during dam and reservoir passage has the potential to cumulatively affect salmon and steelhead that migrate through the Wells Project area, which must pass through eight other dams on the mid- and lower Columbia River on their migration to and from the Pacific Ocean." DEIS at 120.

In addition, increases in total dissolved gas ("TDG") caused during spills at Wells Dam "may contribute to a cumulative increase in gas supersaturation and injuries due to gas bubble trauma, especially for juvenile salmonids migrating during peak spill events." *Id.* Because many of the salmon and steelhead passing through the Wells Dam and Reservoir will also pass through the Colville Reservation and CCT's fishing areas, these cumulative impacts result in fewer fish available to support CCT's exercise of its reserved fishing rights and the subsistence and cultural needs of its members.

To mitigate injuries to anadromous fish, the DEIS relies on the existing habitat conservation plan ("HCP") for Wells Dam, which includes a hatchery compensation plan. However, it is CCT's understanding that none of the original inundation hatchery mitigation provided pursuant to this plan has been located at or upstream from CCT's fishing sites. Rather, it appears that the primary locations of this hatchery mitigation will continue to be below Wells Dam. *E.g.*, DEIS at 30. Accordingly, this compensation will provide little or no benefit to CCT, as the mitigation sites will be outside of CCT's fishing areas on the Reservation and North Half, and CCT will thus bear a disproportionate share of the impacts resulting from relicensing of Wells Dam.

To remedy this inequity, CCT encourages FERC and Douglas County PUD to work with its fisheries staff to develop "in place, in kind" hatchery mitigation. CCT is a member of the Wells HCP Hatchery Committee and recognizes that most hatchery issues are dealt with in this forum, but wanted to take this opportunity to address the "in place, in kind" hatchery mitigation concern. Particularly, CCT will be developing acclimation ponds on newly acquired property on the Reservation shoreline of Wells Reservoir.

The relocation of an equitable share of the inundation mitigation production of summer/fall Chinook to this acclimation site would serve to provide for "in place, in kind" hatchery production and provide a benefit to CCT's fisheries. Additionally, there may be a need to identify other mainstem Columbia River acclimation sites for summer steelhead as existing hatchery mitigation programs reduce tributary production and this site could also serve as a site to acclimate summer steelhead.

As an additional and equally important concern, the Colville Tribes wishes to point out that the Wells Dam has negatively impacted not only habitat for fish but also a variety of traditional cultural practices of the CCT. We ask that consideration be given to provide funding for the preservation and enhancement of Tribal culturally-related activities as well.

CCT would be pleased to work with FERC and Douglas County PUD to develop “in place, in kind” hatchery mitigation to help compensate CCT for the harm to its fisheries caused by Wells Dam. Please contact Joe Peone, Director of the CCT Fish and Wildlife Department, at (509) 634-2113 if you have questions regarding this letter or would like to discuss the issues it raises in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael O. Finley", written over a horizontal line.

Michael O. Finley, Chairman
Confederated Tribes of the Colville
Reservation