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Hope like a Coho, Sting like a Bee The Condit Dam removal story

by Katherine P. Ransel
— Seattle, Washington —

Katherine P. Ransel, who was Co-Director and then Director of the NW regional office of American Rivers, represented 14 NGOs in the Condit dam relicensing proceeding from December of 1992 until June of 2001. Credit for the title of this article goes to David James Duncan (Duncan, David James. 1997. *How to Hope Like A Coho*. Portland: Cascadia Times: February, 7-12), and Muhammad Ali, respectively. Footnotes for this article are found on page 6.

When asked to explain why a utility would agree to remove a functioning hydropower project at its own expense, I had to rout among a raft of documents, some of which were nearly 20 years old, to recall the journey from the beginning of a relicensing proceeding in December of 1992 to the drama of October 26, 2011, when the dam owner, Pacificorp, blew an enormous hole in the bottom of Condit dam on the

White Salmon River, in Washington state. At 125 feet, it is the second highest dam to have been breached in the United States.¹

That walk down memory lane reminded me that in the seven years

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from intervention to the settlement accords of December of 1999, Pacificorp tried every trick in the book to avoid its responsibility for the damage its facility had visited on the river and its salmon and steelhead runs.

Back then, dam removal had been mentioned as a possibility for the out-

come of the Condit dam relicensing, but few really took it seriously. In 1992, dam removal was considered radical and something that conservationists dreamed about but had very little real hope of achieving. It was not until 1995 that the Federal Energy Regulatory Commission (FERC) issued a policy statement acknowledging that it had the authority to require removal in a relicensing, authority that it nevertheless was loathe to exercise. Moreover, removing high head dams found in the West is a far cry from breaching the low head dams found on the east coast.² The sediment trapped by Western high head dams like Condit presented a completely different engineering challenge, the greatest of which was managing tons of potentially toxic sediment accumulated behind them. The Columbia River treaty tribes, including the Yakama Nation through whose ceded lands the river runs, were the only government bodies not only willing to talk about removing

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the dam, but also ready to work with us to achieve it.

So how did we do it? First, we asked as many groups as possible from the Columbia Gorge area as well as national organizations to join American Rivers (AR) in our intervention. It was a bit like waving your arms over your head to appear larger than you really are when encountering a bear. Because it would cost the other organizations nothing, it was easy enough for them to do. Due to the presence of the large national organizations, we could count hundreds of thousands of people as members of “conservation parties.”³ Smaller organizations based in the Columbia Gorge ensured that the intervention could not rightfully be called an attempt by outsiders to force their agenda on the local populace.⁴

Little did we realize just how radical dam removal was viewed by the federal and state agencies that would be participating in the relicensing, and even by the members of some of the organizations that composed our coalition. Not only did we have to outwit a major utility with virtually unlimited resources compared to those of AR, but we had to cajole the agencies constantly, bringing them slowly along to the idea of articulating the words “dam removal,” let alone strategizing with us on how to bring it about.⁵

Second, we marshaled the facts in favor of complete restoration of the river. Built in 1913 near the mouth of the White Salmon River, Condit dam blocked as much as 40 miles of salmon and steelhead habitat. Formerly healthy runs of spring and fall Chinook, coho, and summer and winter steelhead were either extinct or at high risk of extinction. We coupled this with the fact that the White Salmon is low in the Columbia basin, and salmon would have only one mainstem dam to negotiate (Bonneville dam), making a compelling case for restoring the fishery. Moreover, we noted that the White Salmon River is one of only three federally designated National Wild and Scenic Rivers in the state of Washington. The lower river is part of the Columbia Gorge National Scenic Area; the middle river is a federal wild and scenic river; and at the time, the

upper river had been recommended for inclusion in the national wild and scenic system (and now is included). The river has always been extremely popular with white water boaters. The whitewater experience ended abruptly at the reservoir, however, robbing them of the enjoyment of the remaining several miles of the river and the Columbia Gorge National Scenic Area.

The next step was the fight for a com-

assess the impacts of relicensings as if the dams had never been built. We also had to convince the agencies to request FERC to include the option of dam removal in the environmental review; most were reluctant even to mention it.

Moreover, we had to ensure sufficient numbers of people at the first public hearing to support a dam removal alternative in the environmental impact statement (EIS) to let



After a long, difficult struggle that began in 1992, the Condit Dam on Washington's White Salmon River, was finally removed beginning on October 26, 2011. Photo by Todd Mera

plete environmental review to explore alternatives to an “as is” relicensing. At the time, we were locked in battle with FERC over what was known as the “baseline” issue. The company assumed it would simply pick up a new license with no environmental review, because, after all, from its perspective, nothing was going to change; there would be no impacts from relicensing the dam if current conditions were used as the “baseline” from which impacts would be measured. We had been fighting in the courts for years to require the Commission to

FERC know that a large segment of the community wanted this option studied. The local Columbia Gorge groups were central to this effort and livened up the public hearings with fish costumes and pantomimes of dam breaching, with local children playing their parts as the salmon.

As the relicensing progressed, we spent a great deal of effort warding off Pacificorp's attempts to defeat jurisdiction; to delay fish passage until “sufficient studies” over “many years” showed whether the habitat in

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the White Salmon was worthy of being repopulated; to mitigate the environmental impacts of Condit dam with habitat projects in other basins (in lieu of fish passage at the Condit facility); and finally, when all else failed, to try to win approval of a trap and haul facility instead of passage facilities enabling the fish to migrate on their own.

Each strategy required time, research and persuasion to defeat. The jurisdictional challenge in particular was worrisome until we dug up historical evidence of logs being sent to market via the White Salmon to the Columbia, which proved that the river had been subject to use in interstate commerce. And Pacificorp's contracting Jim Lichatowich to tout the company's proposal to study the White Salmon to death and to propose habitat improvements in other basins was a good "political" move, because Lichatowich had gained enormous respect in the fisheries community for his collaboration on *Pacific Salmon at the Crossroads*.⁶ But none of Pacificorp's efforts to avoid proper mitigation for the damage it caused the river and the fishery was ultimately successful.

We were thankful that the National Marine Fisheries Service (NMFS) had mandatory authority to order fish passage and to prescribe the type of fish passage facility it deemed sufficient for this dam. Fish passage facilities built soon after the dam did not survive the steep canyon gradient of the White Salmon for very long; thus, any new facility, we argued to NMFS, had to be state of the art and fail-safe. And NMFS eventually agreed.⁷

At the same, we were working other pieces of the legal puzzle to our advantage. With the tribes, we had asked the Northwest Power Planning Council to amend the Columbia Basin Fish and Wildlife Plan to include an element that called for Condit to be removed. Why? Most people think the Council and its authorizing legislation have no teeth. But what is not known to those unfamiliar with the Federal Power Act is that it requires FERC to act consistent with any comprehensive plan that has been adopted for a waterway. Moreover, the federal courts had ruled

that the Council's Fish and Wildlife Plan is a comprehensive plan for purposes of the Federal Power Act. Although the Council did not give us our removal amendment, it did give us our second choice, which was the virtual equivalent: it called for the best biological option for fish passage in the White Salmon River. In the end, the Council's plan, plus the number of local people who spoke in favor of studying dam removal at the public hearing, persuaded FERC to include dam removal as an alternative in the EIS.

AR was also working on a case that had reached the U.S. Supreme Court from Washington state. Decided in

In the end, FERC was finally persuaded to include removal of Condit Dam as an alternative in the Environmental Impact Statement.

1994, the outcome turned legal authority over instream flows on its head, allowing state water quality agencies instead of FERC to dictate the amount of flow that would be left instream to protect fisheries below.⁸ That outcome would affect the economics of every subsequent FERC licensed hydro project in the country, including the Condit project. Any flow left in the river instead of run through the turbines would reduce generation at the plant, affecting its profitability. This was, if less so than fish passage, still a blow to project economics.

Also central to our success were the monthly meetings that American Rivers and the Columbia Basin Fish and Wildlife Authority (CBFWA) arranged to engage the federal and state resource agencies and invest them in the outcome. Through these meetings, we kept the agencies on track and exerted subtle psychological pressure on them to work with us and the tribes to, at the very least, not act

in ways that would hinder a removal outcome. Some were easier to work with than others. In these meetings, AR also shared the most recent developments in other relicensing proceedings around the country where removal was on the table to assure the agencies that they were not alone.

In addition, American Rivers and CBFWA created a joint restoration plan for the White Salmon River, which was adopted by federal, state and tribal agencies and the Yakama tribe. We created it to give life to the Power Council's Basin Plan for the White Salmon to adopt the biologically optimal form of fish passage. It evaluated restoration opportunities for all of the salmon and steelhead stocks native and then extant in the White Salmon River. The restoration plan also reviewed various fish passage options and demonstrated that dam removal presented the best option for restoration of the river's fishery. And FERC pointed to the CBFWA/American Rivers restoration plan when it concluded in the draft environmental impact statement (DEIS) that dam removal was the best biological option for fish passage. Credit goes to Clayton Hawkes, who then worked for CBFWA, for his dedication to writing the plan and ensuring that all of the resource agencies and tribes approved it. Perhaps the greatest legacy of the restoration plan will be the tribes' and fishery agencies' agreement to let nature and the salmon take their unfettered and un-supplemented course after the dam was removed.⁹

While FERC found in the DEIS that dam removal was the best biological option for fish passage, citing our joint restoration plan, it also concluded that removing the dam was cost prohibitive. We took the DEIS apart, and engaged experts to help us analyze and present its flaws. We asked Dennis Gathard, who had developed the initial plans for removal of the Elwha River dams, to be our engineering expert. His report showed that dam removal could be accomplished for *five times less* than FERC's estimate. In addition, American Rivers and the Yakama Nation introduced a report by Phil Meyer, an expert natural resource economist. Meyer showed that the economic benefits of removal out-

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weighed any other fish passage alternative, having the best overall cost/benefit ratio among all of the alternatives studied by FERC.

It was after the introduction of the expert reports, and FERC's final environmental impact statement adopting NMFS' prescription for state of the art fish screens and ladders, that settlement negotiations began. American Rivers proposed the central thesis of the agreement to the Yakama Nation (which was in closed discussions with Pacificorp), viz., to allow PacificCorp to continue to operate Condit dam for several years to generate funds to offset the cost of removal.¹⁰ This proposition, together with Gathard's significantly lower estimate of dam removal costs compared to those of fish passage, had brought the company to the table.

The formal negotiations began with the engineering challenges of dam removal and sediment management, and Dennis Gathard was central to them. We settled on a breach approach that provided for rapid sediment removal and thus quick recovery of the river. This approach also significantly reduced costs over other alternatives and promised to reduce the amount of time that fish would be exposed to sediment.

We then moved to the legal negotiations, which proved to be much more difficult and time consuming. Finally, in December of 1999, the parties announced their agreement at a press conference in Portland, Oregon. And while it was a fine day indeed, it was to be another 12 years before the dam was finally breached.¹¹

It was worth the wait. Watching the river recreate its canyon and natural flow pattern in as few as two hours was one of the most dramatic ends to a legal proceeding that I have ever experienced. And seeing the joy on the faces of so many people who had "hoped like a coho" for that day was well worth all of the work it took to get there.¹²



1. Elwha and Glines Canyon dams on the Elwha River in Washington State, 108 and 210 feet high, respectively, were breached in September of 2011, using a very different method of sediment management as the environmental conditions in the two rivers are very different.

2. E.g., the Edwards dam, a mere 24 feet high, which was not breached on Maine's Kennebec River until 1999.

3. The collective name I gave to American Rivers and the organizations I asked to intervene with us in the relicensing proceeding. They included American Whitewater Affiliation, Columbia Gorge Audubon Society, Columbia Gorge Coalition, Columbia River United, Federation of Fly Fishers, Friends of the Columbia Gorge, Friends of the Earth, the Mountaineers, Rivers Council of Washington, Sierra Club, Trout Unlimited, Washington Trout, and Washington Wilderness Coalition.

4. Local residents unhappy with the idea of removing the dam called us outsiders and troublemakers anyhow.

5. And we had to drop one of our original conservation parties, the White Salmon Steelheaders, because it publicly opposed reintroduction of salmon and steelhead above the dam. Its opposition was ironic because steelhead trout had the most habitat to gain from enabling fish to pass upstream.

6. Nehlsen, W., J. E. Williams and J. A. Lichatowich. 1991. Pacific salmon at the crossroads: Stocks at risk from California, Oregon, Idaho, and Washington. Fisheries 16:2 4-21. This report, much more so than any before it, brought public consciousness to the dire state of Pacific salmon.

7. Subsequently, the industry successfully lobbied for changes to the Federal Power Act that make it much more burdensome for NMFS to exercise its fishways authority. 16 U.S.C. §823D.

8. PUD. No 1 of Jefferson County et al. v. Washington Dept. of Ecology et al., 511 U.S. 700 (1994).

9. The tribes moved hundreds of fall Chinook from below to above the dam prior to breach, but this was a one-time effort to save the fish from being smothered by the sediment released with the dam's breach. As far as I know, there are no plans to supplement these stocks or otherwise interfere with natural repopulation.

10. The Company negotiated an "Agreement in Principle" with the Yakama Nation based on allowing it to continue operations until October of 2006 and providing \$1 million "fishery enhancement fund" to the Nation, among other things. With that in hand, the Company began formal negotiations with all of the parties.

11. I have chosen to stop at the removal agreement. The 11 years between the agreement and the dam's breach tell another story, one that must be left to another day. In sum, delays by FERC in addressing the settlement, and its opening of an entirely new proceeding in which it allowed new parties to intervene, set the stage for further delay and gave heart to a small group of people who had long-term rental cabins alongside the reservoir to attack the settlement. Klickitat and Skamania counties also intervened in the new proceeding to fight the settlement. Moreover, regulatory permits needed for demolition and breach also took years to obtain. After the last of them was granted, and appeals exhausted, FERC issued a final dam surrender order on April 21, 2011. From that date forward, the Company went about implementing the sanctioned plan for breach and removal.

12. A T-shirt designed by Daniel Dancer, one of the river's most active advocates, portrays a breached Condit dam and contains the exhortation: Hope like a Coho. I still have one of those T-shirts, which is at least 15-years-old and severely but beautifully frayed around the neck.