

Restoration of the White Salmon River *Condit Dam and Licensing 101*

1. When did PacifiCorp's license for the operation of Condit Dam expire?

PacifiCorp operates Condit Dam under a license that expired in 1993. The license was originally issued in 1968 by the Federal Energy Regulatory Commission (FERC). Since expiration of the license in 1993, PacifiCorp has operated Condit Dam on "annual licenses," which are automatic one-year extensions of the expired license.

2. What law requires hydropower dams to be licensed by FERC?

The Federal Power Act (FPA) governs FERC's licensing and relicensing of non-federal hydropower dams.

3. What law requires hydropower dams to include fish passage?

The Federal Power Act (FPA) requires that FERC meet fish passage requirements of federal fish agencies. Section 18 of the FPA provides that FERC "shall require the construction, maintenance, and operation by a licensee at its own expense of such . . . fishways as may be prescribed by" the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS).

Congress amended the FPA in the 1986 Electric Consumer Protection Act to require FERC to provide equal consideration to power and non-power benefits (conservation, recreation) when it issues a license. Congress also instructed FERC to include license conditions to "protect, mitigate damages to, and enhance, fish and wildlife" potentially affected by a hydropower project based on recommendations from NMFS, FWS, and state fish and wildlife agencies.

4. Does FERC have decision-making authority over Condit Dam removal?

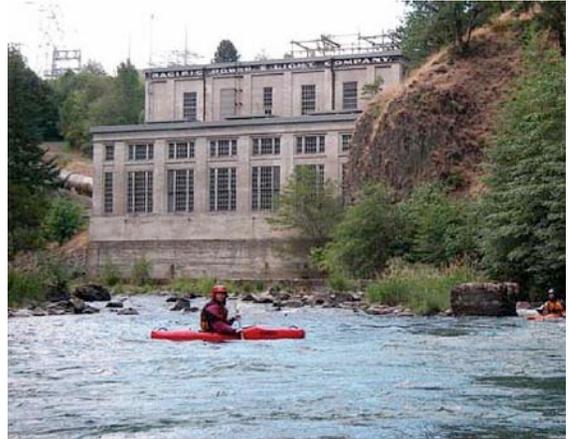
Yes. FERC issued the final order to decommission Condit Dam and it was accepted in spring 2011 by PacifiCorp.

5. Which of the required government approvals have been issued?

Completed Stages:

- National Environmental Policy Act (NEPA) review, FERC. FERC has issued an Environmental Impact Statement (EIS) and a Supplemental EIS that endorse the settlement agreement and dam removal.
- Approval from the U.S. Forest Service (USFS). The USFS has determined that the dam removal proposal is consistent with the Columbia River Gorge National Scenic Area Act and the Wild and Scenic Rivers Act.

- Approval from the Washington State Department of Archaeology and Historic Preservation (DAHP). The DAHP has reviewed the project and will continue to consult with FERC and PacifiCorp during project implementation.
- Final Biological Opinion, FWS. The FWS has concluded that dam removal is not likely to destroy or adversely modify bull trout critical habitat.
- Final Biological Opinion, NMFS. NMFS has concluded that the “impact of sediment release is temporary” and that dam “[r]emoval will benefit threatened salmon and steelhead in the long run and won’t jeopardize their survival.”
- State Environmental Policy Act (SEPA) Review, Washington Dept. of Ecology (WDOE). The WDOE has issued a final EIS, which concludes that removing Condit Dam and restoring a free-flowing White Salmon River will have significant benefits to salmon and steelhead and overall river health. According to the WDOE, the benefits of dam removal include “increasing the run size and long-term viability of anadromous salmonid populations in the White Salmon River.”
- Clean Water Act Section 401 Certification, WDOE, Expected 2009. This certification determines with reasonable assurance that water quality standards will be met.
- Clean Water Act Section 404 and Rivers and Harbors Act Section 10 Certification, U.S. Army Corps of Engineers, Expected 2009. Section 404 of the Clean Water Act regulates federally approved activities that discharge dredged or fill material into waters of the U.S. Section 10 of the Rivers and Harbors Act governs work in or affecting navigable waters of the U.S.
- License Surrender Order, FERC. The surrender order from FERC spelled out all remaining required actions to remove Condit Dam and was accepted by PacifiCorp in spring 2011.



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www.whitesalmonriver.org