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December 16th, 2019

Mark Bransom, Executive Director
Klamath River Renewal Corporation
423 Washington St.
San Francisco, CA 94111

RE: Klamath Hydroelectric Project (P-2082) Comments on Draft Klamath River Recreation Facilities Plan

Dear Mr. Bransom:

We thank you for the recent webinar and update on the Draft Klamath River Recreation Facilities Plan (Recreation Plan) provided by Klamath River Renewal Corporation (KRRRC).¹ These comments supplement our written comments of November 5, 2018;² March 31, 2019;³ June 28, 2019;⁴ and October 30, 2019.⁵ We are specifically following up on comments made during the December 5th webinar hosted by KRRC regarding the responsibility to address recreation in a dam decommissioning process. We understood your position to be that addressing recreation was outside the “core mission of removing dams and creating free-flowing river conditions and volitional fish passage, per KHSA and the license surrender order sought from FERC.”⁶ You further suggested that recreational mitigation was not a requirement of decommissioning. We disagree and note that the Federal Energy Regulatory Commission (Commission) has yet to issue a decommissioning order for this project; definitive statements on what that order will require are premature. We provide the following comments and additional information from past decommissioning proceedings we have participated in to inform future discussion.

¹ Klamath River Renewal Project, Draft Klamath River Recreation Facilities Plan, Klamath River Renewal Corporation, September 2019.

<<https://www.americanwhitewater.org/content/Document/view/documentid/2064/>>

² <https://www.americanwhitewater.org/content/Document/view/documentid/1919/>

³ <https://www.americanwhitewater.org/content/Document/view/documentid/1920/>

⁴ <https://www.americanwhitewater.org/content/Document/view/documentid/1945/>

⁵ <https://www.americanwhitewater.org/content/Document/view/documentid/2058/>

⁶ At Page 6, Slide Deck, Lower Klamath Project Recreation Working Group Meeting, December 5, 2019, <http://www.klamathrenewal.org/wp-content/uploads/2019/12/Recreation%20Plan%20Update%20Webinar_December2019_FINAL.pdf>

The Klamath Hydroelectric Settlement Agreement (KHSA) articulates a vision of a restored river and project lands that are “managed for public interest purposes such as fish and wildlife habitat restoration and enhancement, public education, and public recreational access.”⁷ We do not view recreation as outside the scope of the KHSA given the plain reading of this passage. Recreation can be more broadly understood as the means by which people will experience, learn, and enjoy the values of a restored river. Planning for this is critical to realizing overall project success, recognizing the needs of local communities, and ensuring that environmental stewardship goals are met (by directing people to appropriate places to interface with the river and away from those with ecological or cultural sensitivity). In addition, the Commission has made clear that the “Commission looks not only to the wishes of the settling parties, but also at the greater public interest.”⁸

We acknowledge the Policy Statement on Decommissioning issued in 1994 stating that the “Commission does not believe that, at that point, it has the authority to require the existing licensee to install new facilities, such as fish ladders,” and for “certain recreational opportunities in association with licensed activities, that obligation ends when the project is no longer licensed.”⁹ Policy statements provide guidance and elucidate certain principles but it is important to understand how those policies are applied, particularly in the 25 years since this specific policy was issued.¹⁰ Sub-regulatory policy does not carry the same force of law as promulgated regulations and can’t be relied upon as the sole basis for declaring that no obligation exists to provide recreation mitigation in a decommissioning proceeding. In the absence of a promulgated regulation, we need to look to current practice as it has evolved in the time since. Additionally, the Commission has made clear in other policy statements that they “will review every case on its facts and make in each instance the public interest determination required by the Federal Power Act.”¹¹

We agree that the Commission does not typically require new facilities to mitigate ongoing impacts of a project following decommissioning of a hydropower facility. Taking the example

⁷ At Section 7.6.4, Klamath Hydroelectric Settlement Agreement, February 28, 2010 as amended April 6, 2016 and November 30, 2016, <<http://www.klamathrenewal.org/wp-content/uploads/2017/04/2016.12.31-Executed-and-Amended-Final-KHSA.pdf>>

⁸ Policy Statement on Hydropower Licensing Settlement, September 21, 2006, 116 FERC ¶61,270, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4440814>

⁹ Project Decommissioning at Relicensing; Policy Statement, December 14, 1994, 60 FR 339, <<https://www.govinfo.gov/content/pkg/FR-1995-01-04/pdf/95-63.pdf>>

¹⁰ Note that this Policy Statement is not included on the Commission’s public list of Policy Statements <<https://www.ferc.gov/legal/maj-ord-reg/policy-statements.asp>>

¹¹ At Page 10, Policy Statement on Hydropower Licensing Settlement, September 21, 2006, 116 FERC ¶61,270, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4440814>

from the Policy Statement on Decommissioning, we would not expect the Commission to require a fish ladder on a dam that might remain following decommissioning of hydropower facilities. Applying this principle to the Klamath Project, we do not expect the Commission would require construction of a fish ladder at Keno Dam. In our experience, and consistent with the Policy Statement on Decommissioning, the Commission also does not impose an ongoing obligation for recreational activities following decommissioning. Applying this principle to the Klamath Project, we do not expect the Commission would impose ongoing responsibilities for KRRC to manage the recreational opportunities following completion of the dam removal project. The Commission has however required mitigation and one-time measures for the direct impacts of the action of dam removal. These mitigation measures can include restoration of former reservoir lands, installation of large woody debris structures or other habitat structures in the newly-restored river channel, and construction or modification of structures affecting the human environment such as boat launches and bridges.

The Commission's decommissioning orders have explicitly addressed and required the retention, modification, or removal of existing recreation sites as well as the construction of new facilities, even in cases where the future land owner and site manager were not clearly identified at the time of decommissioning. These are not new facilities to address ongoing impacts or long-term obligations, but one-time actions to mitigate for the impacts of dam removal and the transition from a reservoir to a river environment. That is precisely what we are seeking for a restored Klamath River and is entirely consistent with past Commission policy and practice.

The following are decommissioning proceedings we have recently participated in where recreational access to the waterway was explicitly addressed in the Commission's Decommissioning Order and supporting documents:

Condit Dam Removal, White Salmon River (WA)

Condit Dam was removed in 2012 and American Whitewater was an active participant throughout the process. While recreational benefits, including whitewater boating, were explicitly recognized in the Settlement Agreement for project removal to which American Whitewater was a signatory, a Recreation Plan was not explicitly referenced in the agreement.¹² In issuing a Decommissioning Order however, the Commission made clear that such a plan would be required and directed PacifiCorp to prepare and file for Commission approval, a

¹² Application for Amendment of License and for Approval of Offer of Settlement, Condit Hydroelectric Project (P-2342), October 21, 1999, FERC eLibrary Accession Number 19991025-0124, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=2000050>

Recreation Facilities Plan.¹³ PacifiCorp responded to this requirement by submitting a Recreation Facilities Removal and Improvements Plan on March 16, 2011, and a Revised Recreation Facilities and Improvements Plan on May 27, 2011.¹⁴

The Revised Recreation Facilities and Improvements Plan included requirements to modify the river access at Northwestern Lake Park. As with Pioneer Park West on the Klamath River, the site was an existing recreational facility that required modification for boaters to be able to access the restored river. PacifiCorp described the proposed modifications as follows:

*Once the reservoir has been drained and stream contours have been established, the concrete boat ramp will be removed and a small, shallow semi-circular water cove boat launch and exit area extending to the new waterline will be constructed. The cove will be surfaced to allow for safe boater take-out from upstream locations. It is anticipated that the new boat launch will be completed during the summer of 2012.*¹⁵

PacifiCorp further committed to a new boat launch facility despite uncertainty over who the ultimate land owner and manager would be:

*The boat access point will be configured based on final contours in the vicinity of Northwestern Park during the 2012 summer. The purpose for the new boat launch is to provide both take out and launch capability for whitewater boats.*¹⁶

Today, seven years following dam removal, the long-term owner and manager of the new boat launch has yet to be determined. We believe the Forest Service will likely be the future owner and manager of this facility, but the future land owner was not identified in the Settlement Agreement or the Recreation Facilities and Improvements Plan. Identifying the future owner was not imposed as a condition of implementing the site improvements by the Commission in

¹³ At Paragraph W, PacifiCorp P-2342, Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License, December 16, 2010, 133 FERC ¶ 61,232, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13874131>

¹⁴ Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525>

¹⁵ At Section 2.3, Page 6, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525>

¹⁶ At Section 2.3.2, Page 8, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525>

their Decommissioning Order,¹⁷ Order Modifying and Approving Recreation Facilities Removal and Improvements Plan,¹⁸ or Acceptance of Final Decommissioning Report and acknowledgment that license surrender is effective.¹⁹

During the webinar you shared new information regarding access to the river for the public and outfitters during decommissioning. Specifically, you stated that “based on current information from Kiewit, we anticipate there will be no river access through project site during drawdown year; during restoration year, access cannot yet be guaranteed due to boater safety.”²⁰ In the case of the Condit Decommissioning, the Commission and PacifiCorp recognized the significant hardship of a long-term closure to outfitters, and the Revised Recreation Facilities and Improvements Plan includes discussion of Access During Construction and distinguished between a closure of the reservoir vs. the river flowing into it:²¹

*...the lake will continue to be closed to boating. Whitewater take-out access at the park will generally be permitted during the remainder of the decommissioning project.*²²

We believe similar accommodations for continued access to river segments is appropriate for the Klamath Project and the entire project area should not be under a blanket closure of two years or more. The approach worked on the Condit Project: PacifiCorp made a commitment to provide access to the river while maintaining a closure on the reservoir once drawdown began, and outfitters were able to continue utilizing the river.²³ In the case of Klamath, we do not expect outfitters or the general public will be able to immediately utilize river segments after drawdown that are currently inundated by reservoirs (e.g. the reach from Fishing Access 1 to

¹⁷ PacifiCorp P-2342, Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License, December 16, 2010, 133 FERC ¶ 61,232, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13874131>

¹⁸ PacifiCorp P-2342, Order modifying and approving recreation facilities removal and improvements plan, 135 FERC ¶ 62,184,

<https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580>

¹⁹ Letter from FERC Office of Energy Projects confirming Final Decommissioning Report, Surrender is Effective, August, 1, 2019, FERC eLibrary Accession Number 20190801-3017,

<https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14789754>

²⁰ At Page 17, Slide Deck, Lower Klamath Project Recreation Working Group Meeting, December 5, 2019,

<http://www.klamathrenewal.org/wp-content/uploads/2019/12/Recreation%20Plan%20Update%20Webinar_December2019_FINAL.pdf>

²¹ At Section 2.3.1, Page 7, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070,

<https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525>

²² At Section 2.3.1, Page 8, Condit Hydroelectric Project Submittal of Revised Recreation Facilities Removal and Improvements Plan, FERC eLibrary Accession Number 20110527-5070,

<https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13923525>

²³ Photograph of river access following reservoir drawn down:

<<https://www.americanwhitewater.org/photos/archive/medium/880776.jpg>>

Copco Dams). However we do expect that the reach from Spring Island to Fishing Access 6 will remain accessible.

Shortly after filing the Revised Recreation Facilities and Improvements Plan for the Condit Project, the Commission issued an Order approving it with modifications.²⁴ Notably, the Commission required modification to the Plan and additional measures to ensure that access to the river for outfitters and the public would not be interrupted. Of specific concern was reconstruction of a bridge crossing the head of the reservoir that required extensive modifications to accommodate the transition from a reservoir to a river environment. This project blocked access to the primary access point; recognizing this, the Commission required “provisions to provide a temporary take-out for boaters exiting the river during bridge construction including a plan and schedule.”²⁵

As noted in the introduction to this section, none of these details were covered in the Settlement Agreement, but were included as requirements in the Decommissioning Order and subsequent plan approvals. The measures were successfully implemented, access improvements were made, and outfitters and the general public were able to enjoy access to the river segment during the time of reservoir drawdown and throughout project implementation. The facility continues to be in active use today as the process of transferring the site to a long-term owner and manager remains underway.

Dillsboro Dam Removal, Tuckasegee River (NC)

Dillsboro Dam was removed by Duke Energy in 2010 following a Settlement Agreement for dam removal.²⁶ In the Surrender Order rendering the decision to remove the dam, the Commission noted the significant public benefits, among them “the resulting free flow of the river will also improve recreational opportunities for whitewater boating and riverine angling.”²⁷ The decommissioning included construction of a new boat launch (located at 35.3637, -83.2464), outside the project boundary but adjacent to the project, despite the fact that: (1) the facility

²⁴ PacifiCorp P-2342, Order Modifying and Approving Recreation Facilities Removal and Improvements Plan, June 3, 2011, 135 FERC ¶ 62,184,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580

²⁵ At Paragraph B, Page 3, PacifiCorp P-2342, Order Modifying and Approving Recreation Facilities Removal and Improvements Plan, June 3, 2011, 135 FERC ¶ 62,184,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13924580

²⁶ Duke Power, Settlement Agreement & Explanatory Statement with respect to the new license application for the West Fork & East Fork Hydro Projects under P-2686, January 8, 2004,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4169406

²⁷ At Paragraph 17, Page 9, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC ¶ 61,054,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207

was outside the project boundary, and (2) the ultimate owner and manager of the facility was not resolved at the time.

The Commission approved Duke Energy's plan to "provide a public boat launch and gravel parking area in the vicinity of the Tuckasegee Water and Sewer Authority's property, just upstream of the current location of the Dillsboro Project's reservoir, and outside the current project boundary."²⁸ This is in contrast to KRRC's position that "building recreation sites outside of project boundary is unnecessary for license surrender and outside of scope of KHSA and related funding."²⁹ In the case of Dillsboro, the Commission articulated their reasoning stating, "we will adopt Duke's proposal to construct the boat launch and parking area as a requirement of the surrender since the construction is a one-time measure that can be completed before the surrender becomes effective."³⁰ The Commission included the following conditions:

*The construction plan shall include, but not be limited to: (1) final designs of the boat launch and designated gravel parking area; (2) a schedule for the implementation of the facilities; (3) measures for soil erosion and sedimentation control during construction; and (4) a discussion of how the needs of the disabled were considered in the planning and design of each recreation facility.*³¹

While the Commission included public boat launch construction in the Surrender Order for Dillsboro, they made clear that they would not mandate or exercise oversight for an operations and maintenance plan as a condition of constructing the site stating that "maintenance would continue after the surrender becomes effective, when the Commission would no longer have authority to enforce it."³² In the case of Klamath, we believe a cooperative partnership with the states is critical to develop an operations and maintenance plan, but uncertainty over long-term management of Parcel B lands is not sufficient justification to cease efforts to identify and

²⁸ At Paragraph 25, Page 9, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC ¶ 61,054, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207>

²⁹ At Page 6, Slide Deck, Lower Klamath Project Recreation Working Group Meeting, December 5, 2019, <http://www.klamathrenewal.org/wp-content/uploads/2019/12/Recreation%20Plan%20Update%20Webinar_December2019_FINAL.pdf>

³⁰ At Paragraph 25, Page 12, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC ¶ 61,054, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207>

³¹ At Paragraph O, Page 26, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC ¶ 61,054, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207>

³² At Paragraph 25, Page 13, Order accepting surrender and dismissing application for subsequent license re Duke Energy Carolinas, LLC's Dillsboro Project under P-2602, July 19, 2007, 120 FERC ¶ 61,054, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13524207>

implement appropriate sites for recreation as part of the decommissioning proceeding before the Commission.

In the case of Dillsboro, the parties acknowledged a preference but uncertainty over future ownership of project lands, stating as follows:

(5) Offer, for one year following completion of dam removal and powerhouse decommissioning and any DPNA portion of stream restoration and monitoring, to convey interest to all its property associated with the Dillsboro Project including land and improvements to the Town of Dillsboro: (6) If the Town of Dillsboro decides not to accept conveyance of the Dillsboro Project property, or if the Town of Dillsboro fails to complete conveyance in its allotted one-year period, whichever comes first, offer for one year to convey interest in all DPNA's property associated with the Dillsboro Project including land and improvements to Jackson County: (7) If neither local government wants the property or neither completes the property conveyance in the allotted time, dispose of its property as DPNA sees fit,"³³

The uncertainty over future ownership did not preclude the Commission from ordering construction of the new boat launch that includes a paved boat ramp, toilet, and designated parking. The access area was constructed, is now managed as the CJ Harris Access Area by Jackson County Parks and Recreation Department, and is in use by the general public who are now able to access and enjoy the restored river segment.³⁴

Mill Pond Dam Removal, Sullivan Creek (WA)

Mill Pond Dam on Sullivan Creek was removed in 2017 by Seattle City Light following surrender of the project by Pend Oreille PUD. American Whitewater was an active participant throughout the process over a 20 year period to determine the fate of this project. The decommissioning order and associated plans included measures for dam removal and site restoration; they also included recreational enhancement to achieve the overall project goal to “improve native fish populations and improve sustainable recreation in Sullivan Creek by reducing adverse effects to the creek.”³⁵ The project included removal, replacement, and enhancement of recreational facilities including removal and restoration of dispersed recreation sites, new hiking trails around the site, installation of new bridges at the former dam site and another at Mill Pond

³³ At Paragraph 6.4, Page 24, Duke Power, Settlement Agreement & Explanatory Statement with respect to the new license application for the West Fork & East Fork Hydro Projects under P-2686, January 8, 2004, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=4169406>

³⁴ <<https://rec.jacksonnc.org/cj-harris>>

³⁵ At Page ES1, Sullivan Creek Recreation Site Restoration Final Plan for Seattle City Light under P-2144, December 2017, Accession Number 20191004-5165 <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14804167>

campground, construction of a new ADA-accessible picnic pavilion with fireplace, improved parking and site re-grading at Historic Site/Elk Creek trailhead use area, and campground improvements at Mill Pond Campground.³⁶

The March 2010 Settlement Agreement for Pend Oreille PUD to surrender their license and Seattle City Light to decommission the Sullivan Creek Project referenced the need to maintain a bridge crossing over Sullivan Creek at the former dam site and the need to modify a boat launch on the reservoir to ensure the “new restored reach of Lower Sullivan Creek will be accessible to recreationists.”³⁷ While the Settlement Agreement acknowledged the value of recreation, details on the extent of recreational mitigation evolved through the decommissioning proceeding and following issuance of the Surrender Order in March 2013.³⁸ In that Surrender Order, the Commission directed that “the plans and specifications shall be based on the draft Mill Pond Removal Plan filed as Appendix E to the Sullivan Creek Settlement Agreement filed on March 29, 2010.”³⁹ These plans, including additional details on recreation measures, were further refined through a public process that is outlined in the January 2017 Application to Amend Surrender Order.⁴⁰

Seattle City Light and Pend Oreille PUD held three public meetings in the local community from December 2015 to July 2016 “to obtain input on the recreation elements for the post-dam removal landscape.” These meetings were held prior to site design, at the 30% project design stage, and at the 60% project design stage.⁴¹ In the case of the Klamath, we have not had this opportunity for direct interaction and input on site design with the design team since the October 2018 site visit we convened. We proposed the idea of a design charrette and public meeting for October 2019, that was originally well received but then abruptly cancelled. We

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<https://www.spokesman.com/stories/2017/nov/24/mill-pond-dam-removed-as-restoration-project-shutd/>>

³⁷ At Paragraph 6.6.2.2, Page 128, Appendix E (Sullivan Creek): Mill Pond Decommissioning Plan, Offer of Settlement and Motion to Consolidate of Seattle City Light and the Public Utility District No. 1 of Pend Oreille County, Washington under P-2144, et al.

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=13803616>

³⁸ Order Accepting Surrender of License and Authorizing Disposition of Project Facilities, March 30, 2013, 142 FERC ¶ 62,232,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14099415>

³⁹ At Paragraph E, Page 27, Order Accepting Surrender of License and Authorizing Disposition of Project Facilities, March 30, 2013, 142 FERC ¶ 62,232,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14099415>

⁴⁰ Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986>

⁴¹ At Section 1.4.2, Page 1-6, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004,

https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986>

appreciate that design work has continued, but public involvement needs to be part of the process to ensure designs are meeting user needs. While this level of engagement may not be required, Seattle City Light and Pend Oreille PUD understood this was a critical part of the process in developing recreational mitigation measures for removal of Mill Pond Dam.

Through this public process, a program of work was developed that included constructing a picnic shelter at the upper day-use area near the dam with new and improved interpretive and educational signage, replacing the existing pedestrian bridge at the dam with a longer span compliant with the Americans with Disabilities Act, and constructing new trail segments and a new pedestrian bridge over Sullivan Creek at the campground to form a new loop trail.⁴² This 1.7 mile loop trail was designed to provide the public with opportunities to experience and learn about the dam removal and restoration effort and extends around the shoreline of the former reservoir. In addition to the new trail, modest improvements to the campground along the former reservoir were also implemented including new bear boxes for camper food storage as amenities to provide long-term benefits for recreation users.⁴³ In July 2017, the Commission approved the Amendment Application and work on the project commenced that fall.⁴⁴

The Sullivan Creek Recreation Site Restoration Final Plan provides a clear explanation of the primary project goal of Mill Pond Dam removal: to achieve fishery benefits. Seattle City Light and their consultants worked with the Forest Service to establish guiding principles for how recreation would be treated in the overall restoration program. These principles included the following:⁴⁵

- *Closing and restoring high impact sites in the floodplain and channel migration zone of Sullivan Creek,*
- *Delineating appropriate use areas at sites to remain open that would prevent expansion and degradation of streamside forests and habitats,*

⁴² At Section 2.2.2, Page 2-3, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986>

⁴³ At Paragraph 3.3.7.2, Page 3-20, Applicant Prepared Supplemental Environmental Assessment Mill Pond Dam Removal, Pend Oreille County Public Utility District #1 Application to Amend Surrender Order for the Sullivan Creek Project under P-2225, January 30, 2017, Accession Number 20170130-4004, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14556986>

⁴⁴ Order Amending Approved Surrender of License and Authorizing Disposition of Project Facilities re Public Utility District No. 1 of Pend Oreille County, Washington under P-2225, July 19, 2017, 160 FERC ¶ 62,055, <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14589019>

⁴⁵ At Page ES-2, Sullivan Creek Recreation Site Restoration Final Plan for Seattle City Light under P-2144, December 2017, Accession Number 20191004-5165 <https://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=14804167>

- *Expanding and creating new sites in areas that would not affect the creek,*
- *Increasing access to vault toilets to reduce the potential effects of poor sanitation on the creek, and*
- *Adding amenities to camping areas that would improve the recreational experience and reduce camper adverse effects.*

As outlined in our previous comments on the Klamath Project, we believe a similar set of principles could be adopted to ensure fishery objectives are met for the Klamath River; adopting this approach would ensure the public can experience a restored river in a manner that is respectful of cultural issues and avoids impacts to sensitive ecological resources. If recreation is ignored and considered outside the mission of KRRC, the result will be unmanaged and unplanned recreational use on Parcel B lands and associated impacts of dispersed recreation. In our experience, the cost of dealing with this issue after it occurs exceeds the cost of good planning and implementation up front.

In the case of Sullivan Creek, the Commission did not require Seattle City Light or Pend Oreille PUD to commit to a long-term obligation for managing the recreational opportunities available at these facilities. They were constructed as one-time measures and mitigation for the impacts of the action of dam removal. They are now open and accessible to the public and managed by the Colville National Forest as the Mill Pond Historic Site.⁴⁶

Conclusion

Thank you for the opportunity to provide additional comment on the KRRC's Draft Klamath River Recreation Facilities Plan. These comments supplement our written comments of November 5, 2018; March 31, 2019; June 28, 2019; and October 30, 2019. In these comments we specifically focused on our experiences with recreational mitigation in decommissioning proceedings we have participated in given the questions that came up on this topic during the December 5th webinar. As described in the examples above, PacifiCorp, Duke Energy, Pend Oreille PUD, and Seattle City Light all worked collaboratively with us and took advantage of our experience and knowledge; the result was positive outcomes that benefit local communities who are able to experience, enjoy, and become better educated on the power of rivers to restore themselves following dam removal. The same outcome is possible here.

We understand the consultation and opportunities for public engagement may not be required at this stage in a decommissioning proceeding, but we continue to believe that engaging with the public and addressing community needs leads to community ownership in the project,

⁴⁶ <https://www.fs.usda.gov/recarea/colville/recarea/?recid=71047>

increased support, and a faster and more efficient journey through the regulatory process to secure a decommissioning order. Instead of seeking to justify the minimum effort KRRC must do, we ask you to consider what KRRC should do to serve the needs of local communities and stakeholders who will live with the outcome from this project. We strongly believe this outcome can be a positive one and that we can leave a legacy that benefits future efforts to restore rivers, but that outcome starts with carefully listening and responding to the needs of local communities.

We look forward to continued engagement and opportunities to work with you in developing a successful approach to dam removal and river restoration that addresses outdoor recreation impacts and opportunities. We appreciate the opportunities KRRC has provided to engage with your staff and contractors. We welcome any opportunities you are willing to provide for a discussion of the issues we have raised.

Sincerely,

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