

Olympic NP Dams Update

By Cat Hoffman

The Federal Energy Regulatory Commission (FERC) is considering license applications for two dams on the Elwha River which supply power to a Japanese-owned paper company (Daishowa America, Inc.) in Port Angeles, WA. (*Park Science*, Fall 1989, p. 6) The Elwha is the largest watershed within Olympic NP and is one of few rivers outside Alaska that once supported all 5 species of Pacific salmon. The Glines Canyon Dam is within Olympic NP; the Elwha

Dam is downstream from the park.

Both dams were built in the early 1900s without provisions for fish passage. In a river affording 75 miles of habitat to anadromous fish, these dams block upstream migration of salmon 5 miles from the river's mouth. Research has documented the use of anadromous fish on the Olympic Peninsula as a source of food by at least 22 species of birds and mammals, indicating effects of the loss of these fish on many other species in the food chain as well. With the loss of this source of nutrient enrichment, the entire Elwha ecosystem has been disrupted.

Three separate (but not independent) scenarios are in progress regarding this issue:

1. Jurisdiction determination: In April 1991, FERC issued a final order asserting jurisdiction over the Glines Canyon project. Petitions for review of this ruling have been submitted to the 9th Circuit Court by conservation groups and by the Dept. of Justice (representing the Dept. of Commerce and of the Interior). At issue is whether the Federal Power Act gives FERC authority to license (specifically, "relicense") a hydro-project within a national park, or whether Congress must determine who has authority over a project in these circumstances.

Interior's Assistant Solicitor has issued a finding that neither the NPS nor FERC has authority to license the Glines Canyon project, and that only Congress can provide specific authorization needed for continued operation of the dam. The GAO has issued a report supporting Interior's position that FERC has no authority within the park, but maintains that FERC does have jurisdiction to call for removal of the Glines Canyon dam. Lawyers involved in this case estimate 2 years minimum before a court decision regarding jurisdiction is reached.

2. FERC licensing proceedings: In February 1991, FERC released a Draft EIS (DEIS) regarding licensing of Elwha and Glines Canyon dams. The DEIS analyzes four alternatives: (1) retention of both dams, (2) removal of both dams, (3) retention of Elwha dam with removal of Glines Canyon dam, and (4) retention of Glines Canyon dam with removal of Elwha dam. No preferred alternative is indicated.

The DEIS states that the cost of power to Daishowa America will be the same whether the dams remain with the addition of fish passage facilities or whether the dams are removed. The Bonneville Power Administration has indicated it would provide replacement power to Daishowa America if the dams are removed. A final EIS, indicating a preferred alternative, is expected in early 1992.

3. Legislative activity: Staffs of Sens. Brock Adams (WA) and Bill Bradley (NJ; Chair of the Senate Subcommittee on Water and Power) are drafting legislation which, in effect, would resolve this issue through negotiated settlement. The legislation was expected to be in draft form by the first of January 1992.

Summary

Projections of the timing and nature of a final decision regarding these dams confound the best of agency fortune-tellers. Many of the parties involved in this issue regard a negotiated settlement as the most expedient means to an end that is satisfactory to all concerns and, without losing sight of the primary objective, as being the best solution for restoration of the Elwha ecosystem.