



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

June 3, 2019

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

Re: WaterWatch of Oregon's comments on Ochoco Irrigation District's pre-application document (PAD) for the Bowman Dam Hydroelectric Project (P-14791).

Dear Ms. Bose:

WaterWatch of Oregon offers the following brief comments on FERC's Request for Comments on the PAD for the Bowman Dam Hydroelectric Project (P-14791) filed on October 29, 2018.

Section 1.2, Appropriation, Diversion and Use of Water For Power Purposes (pg. 15): The applicant states that it will apply to the Oregon Department of Water Resources Department for a hydropower right. The application would be strengthened by inclusion of the many requirements for hydroelectric power development under state law (see e.g. ORS 543.017, 543.110, 543.210, 543.765, etc).

Section 2.0, Project Description (pg. 17): The project description notes that the normal minimum flow is 80 cfs due to the Crooked River Act. The Bureau of Reclamation has not yet taken all steps to implement the Crooked River Act in full¹; thus any representations as to flow cannot be substantiated at this point.

Section 3.2.2.1, Water Quantity (pg 34): Again, until the Crooked River Act is fully implemented any representation as to future flow releases should not be relied upon. Moreover, the HCP has not been finalized so any representations as to minimum flows provided under the HCP suffer from the same problem, and, as such, should not be relied upon by FERC.

For instance, until instream water rights are granted to protect water instream, statements by OID that "a portion of Prineville Reservoir storage is also used to sustain target flows for fish and wildlife downstream of Bowman Dam" (pg. 35) are inaccurate. This water is being released for fish, but diverted by live flow irrigators.

Fish Passage: Under Oregon law, fish passage is required at all artificial obstructions. ORS 509.585. While the law provides for enforcement priorities, the law very clearly requires fish passage for certain triggers, such as construction and/or fundamental change in permit status. Moreover, any new water

¹ Specifically, Section 7(a)(1) of the Act requires the Secretary to store and release from Prineville Reservoir water for downstream fish and wildlife, and importantly, the Secretary must provide these flows between Bowman Dam and Lake Billy Chinook. Section 7(a)(4) states that all releases and downstream uses shall be in accordance with state water law. Despite this, the USBR has not yet applied for a state flow augmentation right to protect water instream to Lake Billy Chinook.

right for hydroelectric power requires fish passage. State requirements as to fish passage should be outlined as part of the application; as well as a description of how OID intends to address these requirements (provide for fish passage, apply for a waiver, mitigation, etc).

Conclusion: To ensure that the public understands the effects of the proposed project, we would urge greater detail and transparency with regards to state hydroelectric requirements, water quantity issues facing fish and wildlife in the Crooked River system and how OID intends to comply with Oregon's fish passage laws.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", is placed on a light blue rectangular background.

Kimberley Priestley
Sr. Policy Analyst
WaterWatch of Oregon

Document Content(s)

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