



# NORTH UMPQUA HYDROELECTRIC PROJECT

## RESTORING NORTHWEST ECOSYSTEMS

**THE NORTH UMPQUA RIVER IS A JEWEL OF THE PACIFIC NORTHWEST, BUT ITS SCENERY AND WILDLIFE ARE THREATENED BY THE NORTH UMPQUA HYDRO-PROJECT. LAST YEAR, THE FOREST SERVICE IGNORED THE ADVICE OF ITS OWN SCIENTISTS WITH A POLITICALLY DRIVEN DECISION TO APPROVE A PROJECT LICENSE THAT WILL HARM SALMON.**

### THE RIVER

The North Umpqua River originates on the western slope of the central Cascade Mountains in southwest Oregon and drains about 1,350 square miles before joining the South Umpqua River west of Roseburg. The river flows through a narrow canyon with steep bedrock steps and benches. Five anadromous fish species—chinook salmon, steelhead, coastal cutthroat trout, coho salmon, and Pacific lamprey—live in the North Umpqua, and the river is renowned for its world-class steelhead fly fishing. Most of the river below the hydroelectric project is designated and protected as a Wild and Scenic River for its outstanding water quality and quantity, recreational opportunities, and fisheries.

### THE PROJECT

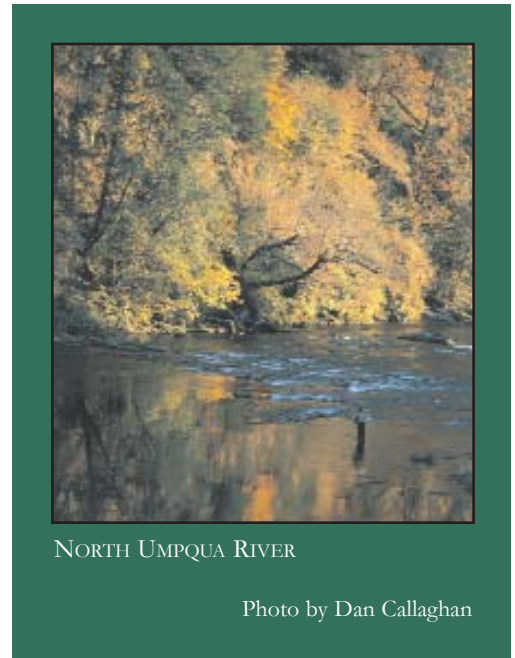
The North Umpqua Hydroelectric Project is a 185.5-megawatt project that

occupies about 3,000 acres of Forest Service land on the North Umpqua and two of its tributaries. The 1950s-era project is a system of eight dams, three reservoirs, more than 30 miles of flumes and canals, six miles of penstocks and tunnels, and approximately 100 miles of project-related roads. The project design, however, gave little thought to maintaining ecological river processes such as sediment and large woody debris transport, or impacts from project operations such as flow fluctuations. As a result, the project has harmed aquatic and terrestrial species and habitat within the North Umpqua River basin and on Umpqua National Forest lands.

### SODA SPRINGS DAM

Soda Springs dam is the lowermost of the eight dams within the project. At 77 feet, it is the second highest dam on the project, but generates only around 6 percent of the project's total output. It is used to maintain a relatively constant flow in the North Umpqua River below the project.

The Soda Springs dam causes a substantial part of the project's adverse effects on fish and other aquatic life. It inundates one of the most important mainstem spawning areas, blocks upstream and downstream passage of fish, cuts off Fish Creek

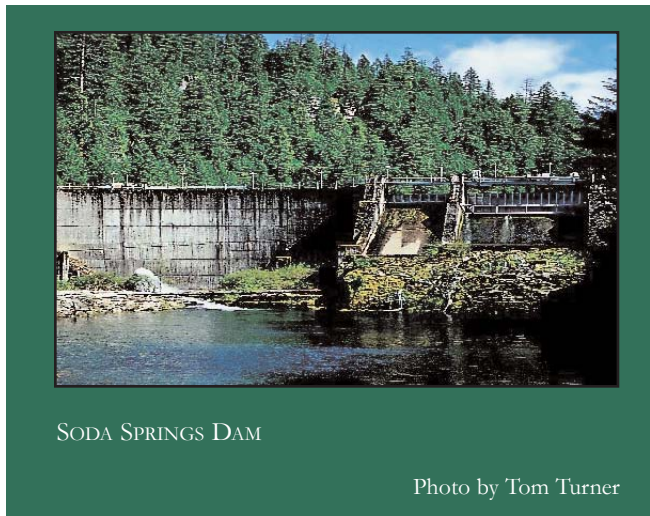


NORTH UMPQUA RIVER

Photo by Dan Callaghan

from most of the North Umpqua mainstem, reduces the supply of sediment and spawning gravels to downstream habitat, adversely affects downstream water quality, and provides habitat for a large number of brown trout, an exotic species that preys upon native fish. The watershed analysis prepared in connection with the relicensing of the North Umpqua Hydroelectric Project concluded that removing the Soda Springs dam would be the highest priority action to improve the interconnection of fish habitat and restore the natural hydrological integrity of the North Umpqua River. Based on that conclusion, the Forest Service and the U.S. Fish and Wildlife Service initially recommended that the dam be removed as a condition of relicensing the project.

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SODA SPRINGS DAM

Photo by Tom Turner

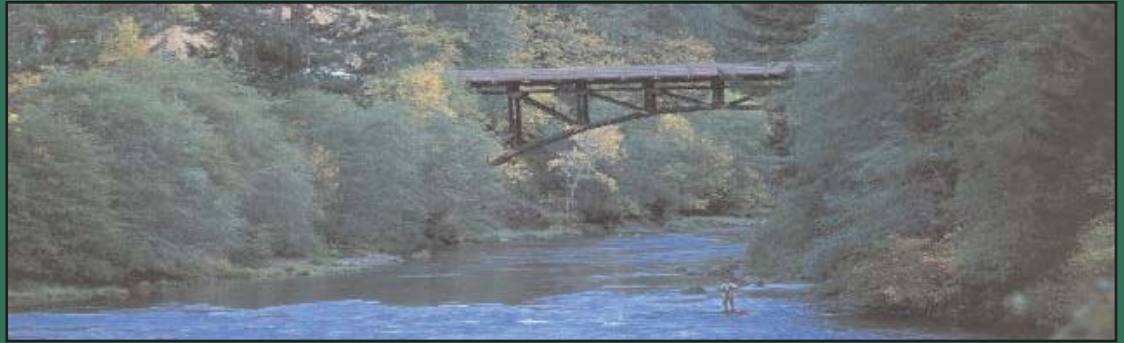
## RESTORATION EFFORTS

Earthjustice is working with a coalition of environmental groups to compel the government to heed its own scientists recommendations to remove or breach Soda Springs Dam and to issue a hydropower license that fulfills the government's obligation to protect species and their habitat.

### THE NEGOTIATIONS

Scottish Power, an international energy conglomerate, has been unwilling to give up the 11 megawatts of generating capacity that would be lost if the dam is removed. After Scottish Power, through its subsidiary PacifiCorp, filed its license application in 1995, it entered settlement negotiations concerning the new license with federal and state agencies, as well as several conservation groups. In late 1999, Scottish Power announced that it intended to withdraw from the negotiations because the Forest Service and the U.S. Fish and Wildlife Service were insisting on removal of Soda Springs dam.

After Scottish Power withdrew from the settlement negotiations, the Forest Service's position on the removal of Soda Springs dam changed dramatically, and the negotiations were reconvened. The conservation groups withdrew from further settlement discussions in September 2000. On June 21, 2001, Scottish Power filed an offer of settlement describing an agreement between Scottish Power and state and federal agencies for the issuance of a new license. The settlement agreement does not require the removal of Soda Springs dam. The Federal Energy Regulatory Commission adopted the settlement agreement and issued a new 35-year license for the North Umpqua Hydro Project on November 18, 2003.



MOTT BRIDGE ON THE NORTH UMPQUA RIVER NEAR STEAMBOAT CREEK

Photo by Dan Callaghan

### THE CHALLENGE

Because this project is located primarily on national forest land, the Federal Power Act requires that the hydropower license contain terms and conditions set by the Forest Service for project relicensing. Those terms and conditions must, in turn, fulfill the agency's responsibilities to manage the land under the National Forest Management Act and the Umpqua Forest Plan, which was amended to include the Northwest Forest Plan's provisions for protecting aquatic habitat.

Based on the watershed analysis and other scientific information, Forest Service biologists concluded that removing the Soda Springs dam was necessary to meet those obligations. Nevertheless, the Forest Service ignored that conclusion in favor of a political judgment that the dam was acceptable.

The Forest Service also failed to comply with the National Environmental Policy Act in setting the terms and conditions

for relicensing. Because the Forest Service, rather than FERC, establishes those terms and conditions, the Forest Service is independently required to comply with NEPA in connection with its own decision. In this instance, however, the agency attempted to pass the buck to FERC. Although FERC did prepare an environmental impact statement under NEPA, FERC's EIS did not consider alternative terms and conditions open to the Forest Service under the Federal Power Act, nor did it evaluate whether the terms and conditions chosen are adequate to meet the requirements of the forest plan for North Umpqua River fish and other aquatic life.

Representing seven conservation groups—Umpqua Valley Audubon Society, Umpqua Watersheds, The North Umpqua Foundation, Steamboaters, Oregon Natural Resources Council, Pacific Rivers Council, and American Rivers—Earthjustice filed a petition for review of the decisions of both FERC and the Forest Service with the Ninth Circuit Court of Appeals on May 24, 2004.