



Wild Fish Conservancy

N O R T H W E S T

S C I E N C E E D U C A T I O N A D V O C A C Y

August 26, 2009

The Honorable Ken Salazar
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

I am writing to inform you of some specifics regarding the operation of the Leavenworth National Fish Hatchery, Chelan County, Washington, and how the operation is contrary to your principles of open government, sound science, and responsible stewardship of the Nation's natural resources. We note that the Hatchery recently received a Service award for its environmental stewardship. We do not mean to belittle the accomplishments of the facility and staff that triggered the award, but the facility continues to fail in a major duty, namely, its statutory duty to assist in recovery of listed species.

The Hatchery is operated by the US Fish and Wildlife Service and funded through the Bureau of Reclamation. Built to partially "mitigate" the blockage of over 1,000 miles of anadromous fish habitat by Grand Coulee Dam, the Hatchery itself has been blocking over twenty miles of main stem Icicle Creek habitat and over 100 miles of tributary habitat. The impacts, ongoing for nearly seventy years, are particularly unfortunate because most of the upper watershed is in the Alpine Lakes Wilderness Area of the Wenatchee National Forest, visited by almost one million people annually. This watershed will only become more important as the effects of climate change are realized in the Columbia River basin. Among the affected species are Endangered Species Act-listed spring chinook salmon, steelhead, and bull trout. The latter species, as you know, falls under your jurisdiction. The fish raised by the Hatchery are non-native spring chinook salmon, solely for harvest.

Some of the major impacts from the Leavenworth National Fish Hatchery include

- Withdrawing a substantial amount of water (42 cubic feet per second) through an unscreened intake, even during summer low stream flow
- Diverting Icicle Creek at will into the Hatchery's manmade canal for various purposes, including to recharge the Hatchery's groundwater wells when no water right or state permit exists

P. O. Box 402, Duvall, WA. 98019 • 425-788-1167 • Fax 425-799-9634 • www.wildfishconservancy.org

P R E S E R V E P R O T E C T R E S T O R E

- Harming Endangered Species Act-listed steelhead and bull trout, including blocking migration, sedimentation of redds, degrading water quality, and trapping individual listed fish inside the Hatchery's maze of pipes and raceways

These are not one-time occurrences, as these impacts regularly occur as a result of the facility's standard operation procedures, namely the voracious appetite for Icicle Creek's water and the operation of the various dams on Icicle Creek with little regard for listed and unlisted fish.

Instead of taking a leadership role in recovery listed fish in this Wilderness watershed, the Service has instead been steadfast in maintaining the *status quo*. The obligation of the Service to improve conditions in the Icicle Creek watershed or recover listed species always takes second place to hatchery operations; it is unacceptable to the Service to consider even a slight inconvenience to hatchery operations. While a few improvements have been made in the last fifteen years, most have only come about after extreme external pressure. For instance, the Clean Water Act wastewater discharge permit for the facility expired in 1979, and a 2005 lawsuit filed by Wild Fish Conservancy was responsible for moving that issue towards resolution, and not because of any enlightened attitude toward water quality by the Hatchery, even though Icicle Creek has long been on the state's Clean Water Act list of impaired streams due to discharges from the Hatchery.

The lack of transparency that is characteristic of the LNFH's operations begins with the number of fish raised at the facility. While it is made clear that the purpose of the facility is to mitigate for the loss of habitat due to the construction of Grand Coulee Dam, those numbers are determined by the periodic negotiations mandated by the *US v. Oregon* court case. In this process, production goals for each Columbia River hatchery are established, and while raising fewer fish would allow the Hatchery to use less Icicle Creek water and reduce other impacts to the stream, it appears that the Service refuses to consider or even propose this in the *US v. Oregon* process. But neither the Service nor the Bureau of Reclamation will clearly articulate its "mitigation obligation."

The first Endangered Species Act consultation on bull trout, in 1999, resulted in a perfunctory two-page memo concluding "not likely to adversely affect." A lawsuit by my organization was instrumental in the production of a much more honest consultation effort, concluding that the Hatchery did indeed "take" listed bull trout through its operations. In no consultation, however, is much made of the Service's ESA obligations under Section 7(a)(1), which requires Federal agencies to take affirmative steps needed to bring about recovery. *The watershed continues to be a sacrifice zone for Hatchery operations because that is what the leadership of the Service desires.*

As a result of the ESA lawsuit, my organization was invited to participate in "stakeholder" discussions that commenced in the summer of 2006. Although it has been a heavy time commitment for a small non-profit group, it seemed worth it as the Service was finally taking an honest look at modifying operations of the Hatchery. Or at least we thought.

After three years of discussions and some tentative agreements about infrastructure improvements, the process has broken down. Obviously, the envisioned structures can be

operated in one of two ways: within the legal sideboards (e.g., existing water rights, ESA and Clean Water Act obligations, state water quality standards) or outside of those sideboards. The Service made it clear that a discussion about their water rights was not welcome, even though they could not produce any written documentation regarding the legality of their diversion of Icicle Creek water to recharge the wells. Even after this, we continued to participate in good faith, withdrawing only after the Service refused to add us (or any non-governmental entity) to an existing "adaptive management" advisory group that already meets to discuss operational changes that could improve bull trout passage past the Hatchery and improve that species' chances for recovery.

We clearly understand that the Service is ultimately responsible for complying with all applicable laws and permits regarding Hatchery operations, which makes it that much more puzzling why the Service would refuse to enlarge the already-existing advisory group. We can only conclude that they prefer to continue to make decisions about Hatchery operations in a less-than-transparent manner.

The Wild Fish Conservancy is a non-profit organization with twenty staff scientists, mostly biologists, with broad and deep expertise in aquatic ecology. In our research and restoration projects, we often partner with staff from local, tribal, state, and federal agencies, including the Service. We are currently in the third year of a major research project on the aquatic biology of Icicle Creek, and have formed working relationships with other local Service offices as a result of that effort. In short, we have considerable technical expertise that is not normally found in a citizens' or watershed group. We have also put considerable effort in the stakeholder discussions.

This letter outlines only a few of the twists and turns this endeavor has taken. My organization, along with some local citizens, has been fighting for the restoration of Icicle Creek since 1997. In an April, 28, 2009 speech to Department employees, you asked "How can we serve as better stewards of our nation's treasures?" We believe this is a question you should direct to the Service's leadership regarding operation of the Hatchery. Currently, Service and Reclamation leadership are rushing to spend approximately \$18 million in Recovery Act funds on "improvements" to the Hatchery that could literally cement these bad operating practices in place for the next seventy years. We do not believe that Recovery Act dollars, or any taxpayer dollars for that matter, should be spent on facilities that refuse to appreciably advance recovery of ESA-listed species.

I invite you or your staff to contact me directly for more information (425-788-1167 or cell 206-310-9301). I hope that your involvement can bring your goals of greater openness, sound science, and responsible stewardship to this facility. Thank you.

Sincerely yours,



Kurt Beardslee
Executive Director