

**THE NORTHWEST POWER PLANNING COUNCILS'
PROTECTED AREAS PROGRAM AND PROCEDURES FOR ITS IMPLEMENTATION
IN WASHINGTON STATE**

OCTOBER 1989

I. The Protected Area Program

In August 1988, the Northwest Power Planning Council (NPPC) amended its Power Plan and Fish and Wildlife Program to designate certain reaches of Northwest streams as "protected areas". The Council believes that hydroelectric development in such areas would pose an unacceptable risk of loss to fish and wildlife species of concern, their productivity, or their habitat. The protected areas designations were intended to 1) protect the resource, 2) send a clear signal to developers, 3) provide planning guidelines for determining the availability of new hydroelectric power, and 4) create a comprehensive plan to provide guidance for licensing decisions by the Federal Energy Regulatory Commission.

Protected Areas are classified according to the following scheme by NPPC:

- A Anadromous Fish Only
- B Resident Fish and Wildlife
- C Anadromous Fish and Resident Fish and Wildlife
- D Anadromous Fish and Resident Fish or Wildlife
- F Resident Fish Only
- W Wildlife Only
- U Unprotected
- Z Already protected by state or federal action
e.g. Wild and Scenic River

II. Washington State Criteria

Washington State criteria for designating a reach as protected by NPPC was agreed to by participating state agencies: Washington Department of Wildlife (WDW), Washington Department of Fisheries (WDF), Washington Department of Ecology (DOE), and Washington State Energy Office (WSEO). Following is a description of those criterion.

1. Anadromous Fish

Known presence of salmon or steelhead or habitat accessible (areas below impassable blockages) to salmon or steelhead warrant reach protection.

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2. Resident Fish

High value (value = '1' as recorded in Washington Rivers Information System) resident fish resources alone does not constitute grounds for protection. Therefore, we did not assign reaches a "D" status if they had a high value for resident fish and anadromous fish. The only "D" status reaches are those with critical wildlife resources and anadromous fish. We also did not classify any streams as status "F", but did acknowledge classes "W" and "B". To be awarded a "C" status the reach must contain anadromous fish, high value resident fish (summary value = 1), and critical wildlife habitat or a threatened or endangered species.

3. Wildlife

Criteria for considering protection for wildlife is the presence of endangered, threatened, or species of special concern (classified as sensitive) or the presence of a critical habitat. Presence is defined as a verified siting of a T, E, or S species and some indication that the site is more than a rare or freak siting.

Species considered threatened, endangered, or sensitive include the following (this does not include pelagic species):

- Aleutian Canada Goose (SE, FE)
- American White Pelican (SE, FS)
- Bald Eagle (ST, FT)
- Brown Pelican (SE, FE)
- Columbian White Tailed Deer (SE, FE)
- Common Loon (FS)
- Ferruginous Hawk (ST)
- Gray Wolf (SE, FE)
- Grizzly Bear (SE, FT)
- Lewis' Woodpecker (FS)
- Oregon Silver Spot Fritillary (ST, FT)
- Peregrine Falcon (SE, FE)
- Purple Martin (FS)
- Pygmy Rabbit (ST)
- Sandhill Crane (SE, FS)
- Snowy Plover (SE)
- Spotted Owl (SE, FT)
- Trumpeter Swan (FS)
- Upland Sandpiper (SE)
- Western Bluebird (FS)
- Western Pond Turtle (ST)
- Woodland Caribou (SE, FE)
- Yellow-billed Cuckoo (FS)

Following lists those habitats considered Critical at the time of protected areas adoption in 1988. This is not a complete listing of critical habitats and only represents types for which data were available at the time of Protected Area adoption. WDW is in the process of formalizing critical habitat definitions. At such point as an agency definition is made, these criteria will be proposed as new critical habitat criteria for protected areas.

Excellent/Extensive Deer Winter Range
Excellent/Extensive Elk Winter Range
SOHA (Spotted Owl Habitat Area - established or potential)
Old Growth
Wintering Bald Eagle Habitat/Anadromous Fish Run
Potential Peregrine Falcon Nesting Habitat
Grizzly Habitat
Moose Habitat
Caribou Habitat
Habitat Management Area (HMA)

III. Amendment Process to Protected Area Status (see footnote)

Petitions to amend protected designations will be considered by the NPPC according to a regular schedule which will be announced in the NPPC's monthly newsletter. If a petitioner believes that there is a compelling need for earlier consideration of the petition than is provided for under the announced schedule, the petitioner may include in the petition a statement of grounds for early consideration and the Council will consider this statement in determining whether to take up the petition in advance of the regular schedule.

Any party may file a petition with the Council to change the designation of a river reach as protected or unprotected or to change the reason for a protected designation. Petitions must first be filed with the coordinating agency of the Protected Areas program in Washington (Washington Department of Wildlife). The completed petition form provided by NPPC and any information in support of the proposed change should be sent to WDW no later than one month prior to the deadline for submitting changes to NPPC. WDW will conduct the necessary consultations and forward results of those, along with the petition request to the Council before the deadline. A copy of the consultations will also be sent to the petitioner.

The petitioner amendment proposal will consist of: 1) a completed Protected Areas Petition form provided by NPPC to the best of their abilities (see the attached form); 2) a statement of the facts supporting the proposed change; and 3) a report of consultations the petitioner has had with relevant fish and wildlife agencies and Indian tribes regarding the petition (include any written responses from agency people). This package should be submitted to NPPC and a copy sent to the Protected Areas contact person for Washington.

* Information in this section was extracted from the Protected Areas Rule, Amendments to the Columbia River Basin Fish and Wildlife Plan

IV. WDW Roles and Responsibilities for Protected Area Program

1. General

The implementation of the protected areas program in Washington State involves the Washington Department of Wildlife (WDW), Washington Department of Fisheries (WDF), Washington Department of Ecology (WDOE), and the Washington State Energy Office (WSEO) and the Indian Tribes.

Each agency is responsible for providing information to the protected areas programs that fits within their jurisdiction. WDW provides information on resident fish (including anadromous trout) and wildlife as it pertains to protected areas, WDF provides information on anadromous fish, and WSEO provides information on special management considerations such as 'scenic river' designations.

Because WDW has jurisdictions and responsibility for sport fish and wildlife, it is the lead agency for managing the Washington Rivers Information System, and because the protected areas program is fish and wildlife driven, WDW will coordinate the protected areas program implementation for Washington. The Washington Rivers Information System (WARIS), developed 1984-86 under contract with Bonneville Power Administration is a conglomerate of river resource data from many agencies and is the principal data source for the protected areas program.

WDW will coordinate the protected areas implementation for at least as long BPA funding continues. Coordination in this instance means: 1) houses, maintains, and disseminates information on protected areas along with the Washington Rivers Information System; 2) serves as a collection point for amendments to the protected areas list and assists agency comment on proposals; 3) provides information to the agencies to aid in their updates to the list; 4) ensures that the NPPC process for protected areas changes is followed through to completion; 5) coordinates statewide positions on criteria and changes to protected areas list.

Within WDW roles and responsibilities are as follows. The data manager (now Lea Knutson) for WARIS will serve as the technical contact for the protected areas program. She will perform the above tasks 1-4, providing information needed to fuel protected areas decisions and acting as a focal point for that information. Another person in the Habitat Management division will be identified as the protected areas policy contact for WDW. That person (now Gary Fenton) will take information assembled from the technical contact and make policy decisions as to proposed changes to protected designations. He will also perform task 5, coordinating statewide positions on criteria for assigning protected status and proposals for amendments.

2. Agency Process for Consultation

After NPPC announces the Protected Areas amendment schedule, WDW will notify regional habitat, fish, and wildlife biologist in WDW, WDF and the tribes as to the amendment process. Biologists will be requested to notify the technical contact of any corrections in the data that might affect protected designations. These corrections would be reviewed by the WDW policy contact to decide whether they warrant protected areas amendments.

Upon receipt of a petition, the technical contact for protected areas in WDW will check information on the petition form and fill in missing data. If the petition cites anadromous fish presence as a reason for protection, the petition will be sent to WDF (now Kevin Boursfeld) to follow up on the consultation. For all other reaches, WDW will then examine existing data sources to provide more information on fish and wildlife resources of the reach in question. Those existing data sources should include WARIS and Nongame Data Systems. A preliminary decision will be made on the petition based upon these readily available data sources. This decision will then be subject to review and confirmation by Area Biologists.

Appropriate field biologists in the area of concern will then be informed of the petition and requested to provide further details about the fish and wildlife resources and their vulnerability to hydropower development. Biologists comments will be solicited via the Petition Consultation Form (see attachment) if time allows or by phone and a record of the phone conversation will be written by the technical contact.

All agency comments will be assembled by the technical contact and passed on to the WDW policy contact person for our agencies' final policy recommendation. That recommendation will consider the presented information in terms of Washington's criteria for protection status and other factors not reflected in the data. A formal letter of recommendation from WDW to the petitioner, along with all consultation correspondence, will be sent to the petitioner with copies of their original petition. A copy of the packet will be sent to NPPC for consideration.

3. Agency Process for Proposing Amendments

WDW can propose amendments following the same procedure as above. Amendments will be made based on new data or corrected data that has been entered in WARIS or for other special situations. If the changes are the result of new data acquired for WARIS, biologist consultations are not necessary unless there are specific concerns about the data or clarifying questions are needed. If a number of changes are to be proposed the petition forms can be substituted with data listings and/or a floppy of data files providing all necessary information. Amendments of this nature will generally be made by the data manager for WARIS and will be submitted to the policy contact for consideration.

**NORTHWEST POWER PLANNING COUNCIL PROTECTED AREAS DESIGNATION
PETITION CONSULTATION FORM**

CONSULTING BIOLOGIST NAME:
AGENCY:
PHONE:
REGION:

REACH NUMBER:
REACH NAME:
PRESENT STATUS:
PROPOSED STATUS:

DATA IN WASHINGTON RIVERS INFORMATION SYSTEM:

DATA IN NONGAME DATA SYSTEMS:

PRELIMINARY RECOMMENDATION BASED ON AVAILABLE DATA:

NOTE SIGNIFICANT RESIDENT FISH RESOURCES ON THIS REACH:

NOTE SIGNIFICANT WILDLIFE RESOURCES ON THIS REACH:

DO ANY THREATENED, ENDANGERED OR SENSITIVE SPw.

IES OCCUR ON THIS
REACH, IF SO NAME THEM:

NOTE CRITICAL HABITATS ON THIS REACH:

DO SALMON OR STEELHEAD USE THIS REACH?:

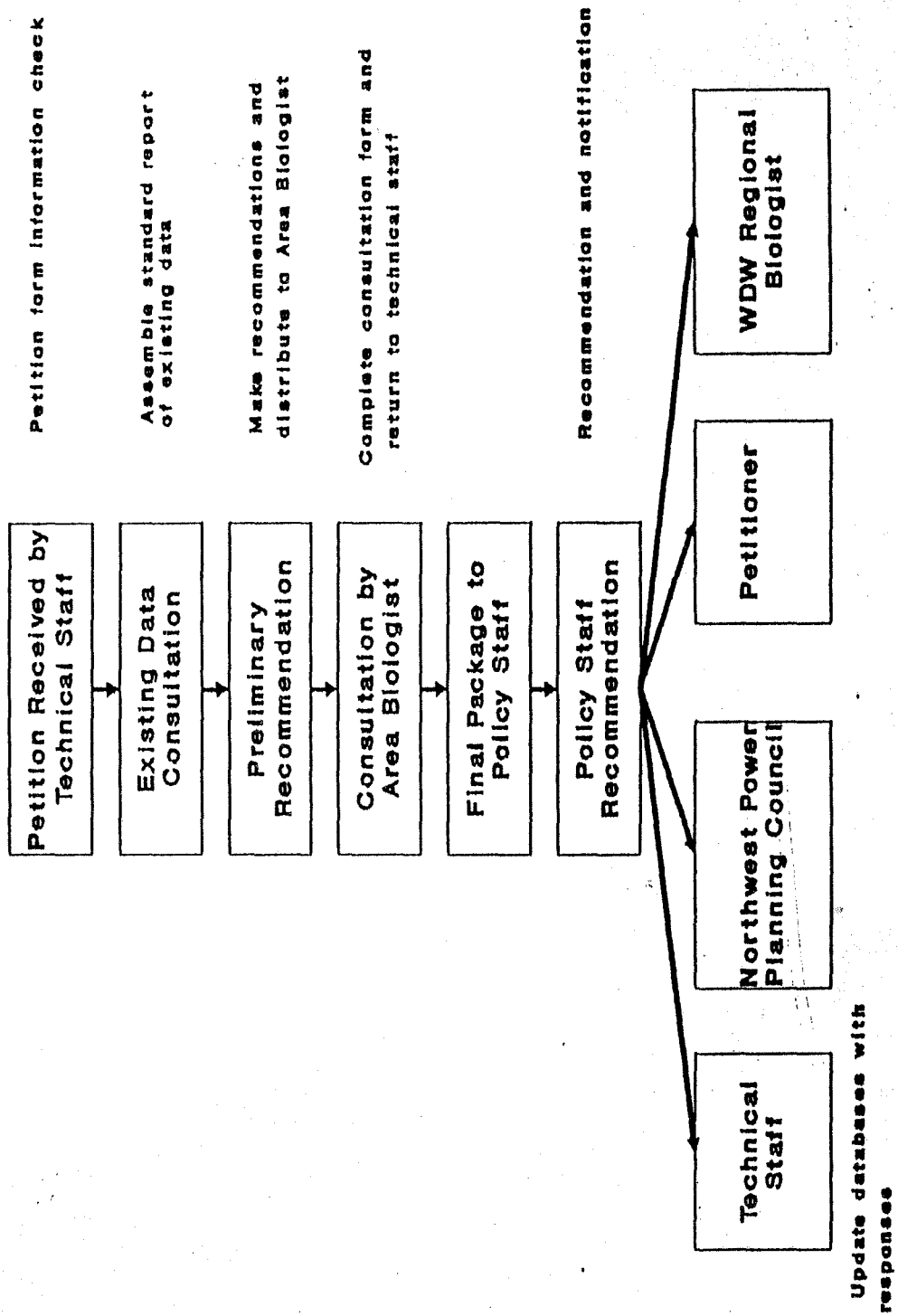
NOTE OTHER SPECIAL CHARACTERISTICS OF THIS REACH IN TERMS OF FISH
OR WILDLIFE (EG. THE BEST FISHING AREA IN THE PUGET SOUND):

WOULD ANY OF THESE RESOURCES OR CHARACTERISTICS BE JEOPARDIZED BY
HYDROPOWER DEVELOPMENT?:

IN COMPARISON TO OTHER REACHES IN YOUR AREA, DO YOU FEEL THIS
REACH DESERVES SPECIAL PROTECTION FROM HYDROPOWER DEVELOPMENT?:

OTHER NOTES:

V. Amendment Process Summary



Protected Areas Petition

Applicant: _____ Date Submitted: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Representing: _____

Type of Change Requested (check only one)

1. Change designation as protected or unprotected _____
2. Change reason for protected designation _____
3. Technical correction (no change to protected codes) _____
4. Exception from protected areas for project with exceptional fish and wildlife benefits _____

Reach Information

Reach number: _____ ID number: _____
Reach name: _____
Lower boundary: _____
Upper boundary: _____
Tributary to: _____
County & state: _____

Current Value

Proposed Change

Protected category:*

Protected length:

Starting mile:

Ending mile:

* Protected Area Codes

Code	Meaning
A	Anadromous fish only
C	Anadromous and resident and wildlife
F	Resident fish only
U	Unprotected

Code	Meaning
B	Resident fish and wildlife
D	Anadromous and resident or wildlife
W	Wildlife only
Z	Already protected by federal or state

Pending Projects

Is there a proposed hydro project on the reach in question? (Y/N) _____

If so, what is the name and FERC number of the project? _____

Consultations (check one)

- ☐ Consultations completed and summary attached; or
- ☐ Consultations not completed—agency review of this petition is requested.

Please attach (1) a statement of the facts supporting the proposed change; and (2) a summary of the consultations (if any) which you have had with fish and wildlife agencies, Indian tribes and others regarding this petition.