

Appendix A:

Public Law 102-495

PUBLIC LAW 102-495—OCT. 24, 1992

106 STAT. 3173

Public Law 102-495
102d Congress

An Act

To restore Olympic National Park and the Elwha River ecosystem and fisheries
in the State of Washington.

Oct. 24, 1992
[H.R. 4844]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Elwha River
Ecosystem and
Fisheries
Restoration Act.
Conservation.

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Elwha River Ecosystem
and Fisheries Restoration Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(a) The term "Administrator" means the Administrator of
the Bonneville Power Administration.

(b) The term "Commission" means the Federal Energy
Regulatory Commission.

(c) The term "electric power" means electric peaking capac-
ity or electric energy or both.

(d) The term "Elwha Project" means the Elwha River
Hydroelectric Project, Federal Energy Regulatory Commission
Project Number 2683, including appurtenant works and
project lands, located on the Elwha River in Clallam County,
Washington.

(e) The term "Glines Project" means the Glines Canyon
Hydroelectric Project, Federal Energy Regulatory Commission
Project Number 588, including appurtenant works and project
lands, located on private and public lands both within and
without the exterior boundaries of Olympic National Park on
the Elwha River in Clallam County, Washington.

(f) The term "local industrial consumer" means the owner
of the pulp and paper mill located on Ediz Hook in Port Angeles,
Washington, that, on the date of enactment of this Act, receives
and consumes the electric power produced by the Projects,
or its successors or assignees.

(g) The term "local preference customer" means Port
Angeles City Light.

(h) The term "owner" means the current owner of the
Projects or its successors or assignees, but shall not mean
the Secretary, the United States, or any other entity acquiring
title to the Projects or features thereof pursuant to the terms
of this Act.

(i) The term "Park" means Olympic National Park.

(j) The term "Project" or "Projects" means either or both
the Elwha Project and the Glines Project, including project
works and appurtenant lands.

(k) The term "project replacement power" means electric
power delivered to the local industrial consumer to replace
losses of electric power generation from the Projects following
their acquisition by the Secretary pursuant to this Act, in



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an amount not to exceed 172.088 gigawatthours of energy in any year.

(l) The term "Secretary" means the Secretary of the Interior.

(m) The term "State" means the State of Washington, including its agencies and departments.

SEC. 3. ACQUISITION OF PROJECTS.

Effective date.

(a) Effective sixty days after submission to the Congress of the report referred to in section 3(c), the Secretary is authorized to acquire the Elwha and Glines Canyon Projects, and all rights of the owner and local industrial consumer therein, subject to the appropriation of funds therefor: *Provided*, That the Secretary shall not acquire the projects unless he has determined pursuant to subsection (c) that removal of the Project dams is necessary for the full restoration of the Elwha River ecosystem and native anadromous fisheries and that funds for that purpose will be available for such removal within two years after acquisition.

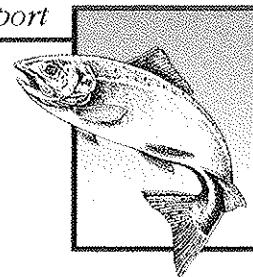
(b) The consideration for acquisition of the Projects shall be \$29.5 million and no more, to be paid by the Secretary to the owner and local industrial consumer at the time of acquisition, and shall be conditioned on a release of liability providing that all obligations and liabilities of the owner and the local industrial consumer to the United States arising from the Projects, based upon ownership, license, permit, contract, or other authority, including, but not limited to, project removal and any ecosystem, fish and wildlife mitigation or restoration obligations, shall, from the moment of title transfer, be deemed to have been satisfied: *Provided*, That the United States may not assume or satisfy any liability, if any, of the owner or local industrial consumer to any federally recognized Indian Tribe nor shall such liability to the Tribe, if any, be deemed satisfied without the consent of such Tribe.

Reports.

(c) The Secretary shall prepare a report on the acquisition of the Projects and his plans for the full restoration of the Elwha River ecosystem and the native anadromous fisheries and submit such report on or before January 31, 1994, to the Appropriations Committees of the United States Senate and the United States House of Representatives, as well as to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce, Interior and Insular Affairs, and Merchant Marine and Fisheries of the United States House of Representatives. The report shall contain, without limitation:

(1) The precise terms of acquisition of the Projects, with an analysis of the costs, in addition to the consideration set out in section 3(b), and potential liabilities and benefits, if any, to the Federal Government resulting from the acquisition and all other actions authorized under this Act;

(2) Alternatives, in lieu of dam removal, for the restoration of the Elwha River ecosystem and the native anadromous fisheries and wildlife of the Elwha River Basin, consistent with the management plan of the Park, the rights of any Indian tribe secured by treaty or other Federal law, and applicable State law. The report shall include feasibility studies for each alternative considered and a definite plan for removal. Such definite plan shall include the timetable after conveyance for removal of the dams and the plans for removal and disposal of sediment, debris, and other materials consistent with all



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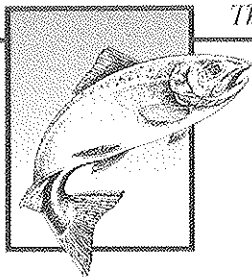
applicable environmental laws and a detailed explanation of all costs of removal. In conducting the feasibility studies and in the preparation of the definite plan, the Secretary is authorized to use the services of any Federal agency on a reimbursable basis and the heads of all Federal agencies are authorized to provide such technical and other assistance as the Secretary may request. For each alternative considered, the Secretary shall estimate total costs, environmental risks and benefits, the potential for full restoration of the Elwha River ecosystem and native anadromous fisheries, and the effect on natural and historic resources (together with any comments made by the Advisory Council on Historic Preservation for any properties which are listed, or eligible for listing, on the National Register of Historic Places).

(3) Specific proposals for management of all lands or interests therein acquired pursuant to this Act which are located outside the exterior boundaries of the Olympic National Park. The Secretary shall specifically address the suitability of such lands, or portions thereof, for addition to the National Wildlife Refuge System; National Park System; transfer to the Lower Elwha Klallam Tribe in trust for tribal housing, cultural, or economic development purposes in accordance with a plan developed by the Lower Elwha Klallam Tribe in consultation with the Secretary; and development and use by the State. Upon acquisition, all lands and interests therein within the exterior boundaries of the Park shall be managed pursuant to authorities otherwise applicable to the Park. For the purposes of protecting the Federal investment in restoration, that portion of the river outside the Park on which the Federal Government will acquire both banks shall, upon such acquisition, be managed in accordance with the declared policy of section 1(b) of Public Law 90-542, except that modifications necessary to restore, protect, and enhance fish resources and to protect the existing quality of water supplied from the river are hereby authorized.

(4) Specific proposals and any Federal funding and the availability of that funding that may be necessary to protect the existing quality and availability of water from the Elwha River for municipal and industrial use from possible adverse impacts of dam removal.

(5) Identification of any non-Federal parties or entities, excluding Federally recognized Indian tribes, which would directly benefit from the commercial, recreational, and ecological values that would be enhanced by the restoration of the Elwha River ecosystem and fisheries, if the Secretary believes that such parties or entities should assume some portion of the cost involved in the restoration, together with the specific cost-share provisions which the Secretary deems necessary and reasonable.

(d) In preparing his report, the Secretary shall consult with appropriate State and local officials, affected Indian tribes, the Commission, the Environmental Protection Agency, the Secretary of Energy, the Administrator, the Pacific Northwest Power Planning Council, the Secretary of Commerce, and of the Advisory Council on Historic Preservation, as well as interested members of the public. In addition, the Secretary shall afford an opportunity for



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public comment on the report prior to its submission to the Congress.

(e) Upon the appropriation of the sum provided for in section 3(b) for the acquisition of the Projects and the determination that dam removal is necessary, the owner and local industrial consumer shall convey to the United States, through the Secretary, title to the Projects, including all property and all other rights and interests. Upon such conveyance and payment of the consideration as provided in section 3(b), and without further action by the United States, title shall transfer and vest in the United States, the owner and local industrial consumer shall be released from any further liability to the United States, as provided in section 3(b), and the acquisition from the owner and local industrial consumer shall be deemed to be completed.

Effective date.

SEC. 4. ECOSYSTEM AND FISHERIES RESTORATION.

(a) Effective sixty days after submission of the report referred to in section 3(c) and following the conveyance in section 3(e), the Secretary is authorized and directed, subject to the appropriation of funds therefor, to take such actions as are necessary to implement—

(1) the definite plan referred to in section 3(c)(2) for the removal of the dams and full restoration of the Elwha River ecosystem and native anadromous fisheries;

(2) management of lands acquired pursuant to this Act which are located outside the exterior boundaries of the Park; and

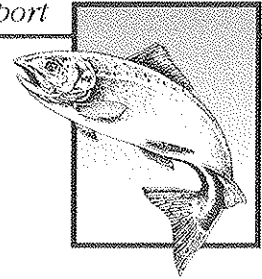
(3) protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal.

(b) The definite plan referred to section 3(c)(2) must include all actions reasonably necessary to maintain and protect existing water quality for the City of Port Angeles, Dry Creek Water Association, and the industrial users of Elwha River water against adverse impacts of dam removal. The cost of such actions, which may include as determined by the Secretary, if reasonably necessary, design, construction, operation and maintenance of water treatment or related facilities, shall be borne by the Secretary. Funds may not be appropriated for removal of the dams, unless, at the same time, funds are appropriated for actions necessary to protect existing water quality.

(c) Nothing in this section shall be construed as an entitlement for which a claim against the United States may be made under the Tucker Act.

SEC. 5. PROJECT OPERATION AND REPLACEMENT POWER.

(a) Notwithstanding any other provision of law, neither the Federal Energy Regulatory Commission nor any other agency of the Federal Government shall have the authority or jurisdiction to issue a permanent license or similar order with respect to either Project prior to conveyance as provided in section 3(e), except that the Commission shall have jurisdiction under the Federal Power Act and is hereby authorized and directed to issue or maintain in effect annual licenses or authorizations for both Projects, authorizing continued operation of both Projects by the owner and local industrial consumer, such operation to be under such terms and conditions and in accordance with such practices as existed on September 1, 1992, until (1) the date the Secretary has acquired



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title to the Projects or (2) if the Secretary's report required in section 3(c) does not provide for dam removal, five years after the expiration of the current annual license or authorization then in effect, after which time the Commission shall have authority under the Federal Power Act to issue appropriate licenses with respect to such Projects to the extent the Commission has jurisdiction over such Projects under such Act on the date of enactment of this Act.

(b) To ensure the availability of adequate electric power supplies to the operating facilities of the local industrial consumer, the Administrator shall, following acquisition of the Projects pursuant to this Act, deliver all project replacement power required by the operating facilities of the local industrial consumer through the local preference customer at a rate equal to the priority firm rate, or the rate which is then the equivalent of the priority firm rate if that designation is no longer used by the Administrator, as such rate is fixed by the Administrator from time to time, without regard to any new large single load determinations or similar factors. The local industrial consumer shall pay the local preference customer for such project replacement power at the same rate as all other industrial consumers of the local preference customer.

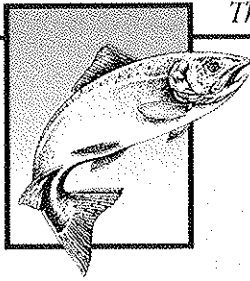
(c) Upon conveyance of the Projects to the United States, the Secretary shall maintain the dams in a safe condition for the period prior to their removal.

SEC. 6. LEASE OF FEDERAL LANDS.

(a) LEASE OF LANDS TO THE CITY OF PORT ANGELES.—After the Secretary makes the determination to remove the dams and actually acquires the projects and funds are appropriated for such conveyance and removal, the Secretary is authorized to issue a lease to the City of Port Angeles, Washington, for those lands situated on Ediz Hook, Clallam County, Washington, currently leased to the City under Lease No. DOT-CG13-4811-72, dated April 4, 1972, as amended, except for that parcel of land described in subsection (b)(2). Such lease shall be issued pursuant to the Act of June 14, 1926, as amended (43 U.S.C. 869), for a period of 99 years, beginning on a date to be determined by the Secretary, without right of patent.

(b) LEASE OF LANDS TO THE LOWER ELWHA KLALLAM TRIBE.—
(1) After the Secretary makes the determination to remove the dams and actually acquires the Projects and funds are appropriated for such conveyance and removal, the Secretary is authorized to lease to the Lower Elwha Klallam Tribe that parcel of land situated on Ediz Hook, Clallam County, Washington, described in paragraph (2) for the purposes of the construction and operation of a tribal cultural facility, such as a longhouse or a museum, and associated interpretive and parking facilities. Such lease shall be issued pursuant to the Act of June 14, 1926, as amended (43 U.S.C. 869), for a period of ninety-nine years beginning on a date determined by the Secretary, without right of patent.

(2) The parcel of land to be leased to the Lower Elwha Klallam Tribe is that parcel of land lying south of the existing roadway and extending southward to the southern boundary of the land currently leased to the City of Port Angeles (Lease No. DOT-CG13-4811-72, dated April 4, 1972, as amended) and beginning at the north-south line 200 feet east of the western boundary



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of Out Lot 6 and running easterly 600 feet to the north-south line 300 feet west of the eastern boundary of Out Lot 6.

(3) In addition to the general terms and conditions applicable under the Act of June 14, 1926, as amended (43 U.S.C. 869), the lease to the Tribe shall be subject to the following terms and conditions:

(A) There shall be public access to the beach along the south side of the parcel at all times.

(B) The City of Port Angeles shall have the right to construct and maintain a waterfront trail adjacent to the existing roadway along the north side of the parcel, the location of which shall be determined in conjunction with the Secretary.

(C) Parking facilities on the parcel shall be open to the public at all times.

(c) In addition to the terms and conditions described in this section for the leases to the City and the Tribe, the Secretary shall incorporate by reference into each lease the Agreement entered into on August 11, 1992, between the City and the Tribe regarding the use of the adjacent leaseholds.

SEC. 7. TRIBAL LAND ACQUISITION AND DEVELOPMENT.

(a) After the Secretary makes the determination to remove the dams and actually acquires the Projects and funds are appropriated for such conveyance and removal, the Secretary is authorized to acquire by purchase, and hold in trust in reservation status for the benefit of the Lower Elwha Klallam Tribe, lands in Clallam County, Washington, for housing, economic development, and moorage for the Tribal commercial fishing fleet.

Appropriation authorization.

(b) There is authorized to be appropriated an amount not to exceed \$4,000,000 to carry out the land acquisition purposes of this section.

SEC. 8. SAVINGS.

(a) Nothing in this Act shall abridge or modify existing rights to Elwha River water.

(b) Nothing in this Act shall affect the rights of any Indian Tribe secured by Treaty or other law of the United States.

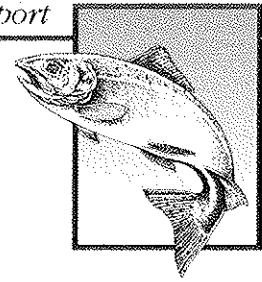
(c) This Act does not modify any of the Administrator's obligations or require the Administrator to take any actions regarding the protection, mitigation, or enhancement of fish and wildlife or expand those provided for under the Pacific Northwest Power Planning and Conservation Act, Public Law 96-501. Notwithstanding any other provision of law, the Administrator shall not be required to make any expenditures from the Bonneville Power Administration fund for the operation, maintenance, rehabilitation, improvement, or removal, breach, or bypass of the Projects.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior for expenditure through the Assistant Secretary for Fish, Wildlife, and Parks and to the Secretary of Commerce for expenditure through the National Marine Fisheries Service such sums as may be necessary to carry out the purposes of this Act: *Provided*, That such authorization shall not become effective until sixty days following submission of the report provided for in section (3)(c) of this Act.

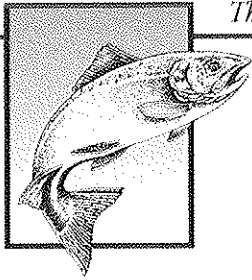
Effective date.

Approved October 24, 1992.

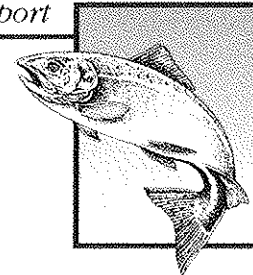


Appendix B:
Federal Licensing Chronology

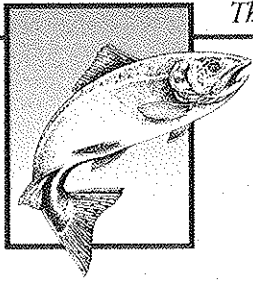
- 1910** Construction begins on Elwha Dam.
- 1913** Elwha project becomes operational.
- Mar 23, 1926** Northwestern Power & Light Co. files license application for Glines Canyon Project.
- Jun 6, 1926** Federal Power Commission (FPC) issues 50-year license for Glines Canyon Project.
- 1927** Glines Canyon Project becomes operational.
- May 8, 1934** FPC approves transfer of Glines license to Washington Pulp & Paper Corp.
- Feb 24, 1937** FPC approves transfer of Glines license to Crown Zellerbach Corporation.
- Jun 1938** Olympic National Park established.
- Jan 2, 1940** Olympic National Park boundary is expanded to include the Glines site and previous Forest Service lands.
- Jul 22, 1968** Crown Zellerbach Corporation files license application for the constructed Elwha Project.
- Nov 20, 1970** FPC issues notice of expiration of original Glines Canyon license.
- Jun 1, 1973** Crown Zellerbach Corporation files application for relicense for Glines Canyon.
- Jan 16, 1976** FPC issues notice of Elwha license application.
- Mar 24, 1976** Crown Zellerbach Corporation requests a declaratory order that the FPC is without jurisdiction to license the Elwha project, and seeks permission to withdraw its application.
- Sep 22, 1976** Secretary of the Interior is granted intervenor status in the Elwha proceeding.
- Feb 3, 1977** FPC provides for hearing on issue of its jurisdiction over the Elwha Project.



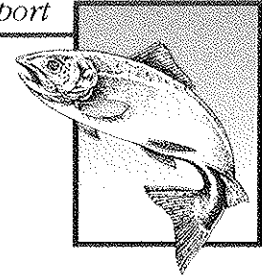
- May 23, 1978** Federal Energy Regulatory Commission (FERC) issues notice of Glines Canyon relicensing application. Various agency comments are filed throughout 1978. Washington State Department of Game is granted intervenor status.
- Dec 11, 1978** Administrative Law Judge's (ALJ) initial decision finds licensing jurisdiction over Elwha project.
- Mar 16, 1979** FERC issues order finding Glines Canyon and Elwha Projects hydraulically, electrically, and operationally interconnected and affirming the ALJ's decision finding jurisdiction over the Elwha project. From this point on, the FERC staff processes the two license applications together.
- May 23, 1979** Crown Zellerbach files an updated license application for Elwha.
- May 12, 1980** FERC accepts for filing updated license application for Elwha.
- Feb 13, 1986** Department of the Interior asserts that the FERC lacks jurisdiction to license Glines Canyon.
- May 15, 1986** Seattle Audubon Society, Friends of the Earth, Olympic Park Associates, and Sierra Club, file motion for intervention and call for dam removal and full restoration of ecosystem.
- Nov 20, 1986** National Marine Fisheries Service, Lower Elwha S'Klallam Tribe, Seattle Audubon Society, Friends of the Earth, Olympic Park Associates, and Sierra Club, are granted intervenor status in Elwha proceeding.
- Dec 15, 1986** FERC staff visits site to review the status of information on both Elwha and Glines Canyon projects and gives agencies opportunity to comment regarding the need for additional information.
- Feb 17, 1987** Joint Fishery Agencies file petition for additional data and interim relief.
- May 28, 1987** FERC staff sends additional information request to Crown Zellerbach concerning anadromous fish protection, wildlife studies, recreation study, cultural resources report, and need for power on both projects.
- Jun 17, 1987** National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Wildlife, National Park Service, Lower Elwha S'Klallam Tribe, and Point No Point Treaty Council (Joint Fishery Agencies) file comments on Applicant's answer to Joint



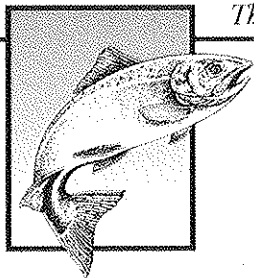
- Fishery Agencies' February 18, 1987, petition for additional data and interim relief.
- Aug 17, 1987** Joint Fishery Agencies file supplemental petition for interim relief.
- Nov 16, 1987** Joint Fishery Agencies filing comments on new issues raised by the applicant.
- Nov 30, 1987** Crown Zellerbach files notice of change of its name to James River Corp. of Nevada.
- Mar 17, 1988** James River Corp. of Nevada files to be replaced as applicant for Glines license to James River II.
- Mar 25, 1988** Olympic Park Associates, Seattle Audubon Society, Friends of the Earth, and Sierra Club (the Conservation Intervenors) file petition for declaratory order finding that Glines cannot be relicensed by the FERC because it does not have jurisdiction.
- Apr 13, 1988** FERC approves transfer of Glines license to James River II, Inc.
- May 31, 1988** James River II files additional information concerning anadromous fish protection, wildlife studies, recreation study, cultural resources report, and need for power on both projects, but without agency comments.
- June 1, 1988** Joint Fish and Wildlife Agencies (formerly the Joint Fishery Agencies) request information on the economic relationship between James River II and Daishowa America.
- Aug 29, 1988** Joint Fish and Wildlife Agencies file their comments on the additional information filed on May 31, 1988.
- Oct 28, 1988** Joint Fish and Wildlife Agencies file supplemental petition regarding application and information deficiencies.
- Nov 2, 1988** The Joint Fish and Wildlife Agencies file a request describing outstanding information needs and seeking interim protection measures on both projects.
- Dec 2, 1988** James River II files its response to agency comments.
- Jan 13, 1989** Joint Fish and Wildlife Agencies submit comments on Applicant's December 2, 1988 supplemental response.
- Jan 26, 1989** National Marine Fisheries Service requests, for the Joint Fish and Wildlife Agencies, that FERC begin development of EIS.



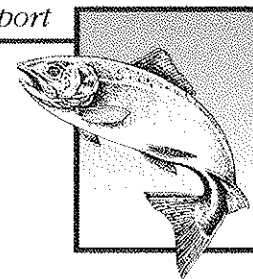
- Mar 21, 1989** National Marine Fisheries Service files study evaluating scope of dam removal/fish restoration on both projects.
- Mar 24, 1989** Lower Elwha Tribal Council files comments regarding James River II's response to information request.
- Apr 14, 1989** Joint Fish and Wildlife Agencies provide proposed EIS outline.
- May 3, 1989** Friends of the Earth, for the Conservation Intervenors, submits comments on the Joint Fish and Wildlife Agencies' March 21, 1989 filing.
- May 17, 1989** FERC staff meets in Port Angeles, Washington with the National Park Service concerning the NEPA process and Glines jurisdictional issue.
- Jun 1, 1989** FERC staff meets in Washington, D.C. with the staff of National Park Service concerning NEPA process and Glines jurisdictional issue.
- Jun 7, 1989** FERC issues notice of June 26, 1989 technical meeting in Seattle and June 27, 1989 public meeting in Sequim, Washington, on both projects.
- Jun 12, 1989** Representative John Dingell requests General Accounting Office conduct an investigation regarding legal issues of project relicensing and dam removal.
- Jun 27, 1989** Joint Fish and Wildlife Agencies file supplemental petition regarding remaining information deficiencies on both projects.
- Jun 26, 1989** FERC staff conducts technical meeting in Seattle, Washington, and public meeting in Sequim, Washington, to discuss the status of the projects, explores alternatives to be assessed in the EIS, and define additional information requirements.
- Jul 24, 1989** Washington Department of Wildlife submits comments on alternatives review and additional study needs necessary to complete EIS.
- Jul 31, 1989** National Marine Fisheries Service submits comments on alternatives review and additional study needs necessary to complete EIS.
- Aug 24, 1989** FERC responds to Representative John Dingell.
- Aug 29, 1989** Representative John Dingell requests additional information regarding relicensing of Glines Dam.



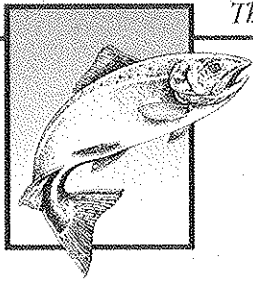
- Oct 4, 1989** The Conservation Intervenors file comments on Applicant's May 28, 1987 additional information and supplemental responses.
- Oct 12, 1989** Joint Fish and Wildlife Agencies file supplemental petition for interim relief for fish and wildlife.
- Oct 17, 1989** Conservation Intervenors file petition for interim relief.
- Oct 24, 1989** FERC staff conducts technical meetings in Seattle on 1989 interim mitigation measures and establishes December 18 and 19 as the dates for further meetings to resolve interim mitigation issues.
- Dec 18, 1989** FERC staff conducts a second round of meetings to resolve interim mitigation measures.
- Dec 20, 1989** EIS scoping meetings held in Port Angeles and Seattle.
- Feb 1990** General Accounting Office determines that FERC does not have authority to license the Glines Canyon Project, it being within the boundaries of Olympic National Park.
- May 10, 1990** Trout Unlimited granted intervenor status in Elwha proceedings.
- May 24, 1990** Conservation Intervenors file a request that FERC rule on their March 25, 1988 petition.
- Jul 16, 1990** Department of the Interior files a Motion to File Late Intervention, Motion to Intervene, and Petition for Declaratory Order that FERC does not have authority to license the Glines Canyon Project.
- Oct 19, 1990** FERC issues order denying petitions seeking an order that FERC lacks jurisdiction to license the Glines Canyon Project.
- Nov 16, 1990** Department of the Interior, National Marine Fisheries Service, and Tribe file requests for rehearing of FERC's October 19, 1990, order.
- Nov 19, 1990** Conservation Intervenors file request for rehearing of FERC's October 19, 1990, order.
- Dec 4, 1990** FERC denies Department of the Interior's request for rehearing stating that the request was received one day late.
- Dec 17, 1990** National Marine Fisheries Service and Tribe file supplement to November 16, 1990, request for reconsideration incorporating Department of the Interior's request for reconsideration.



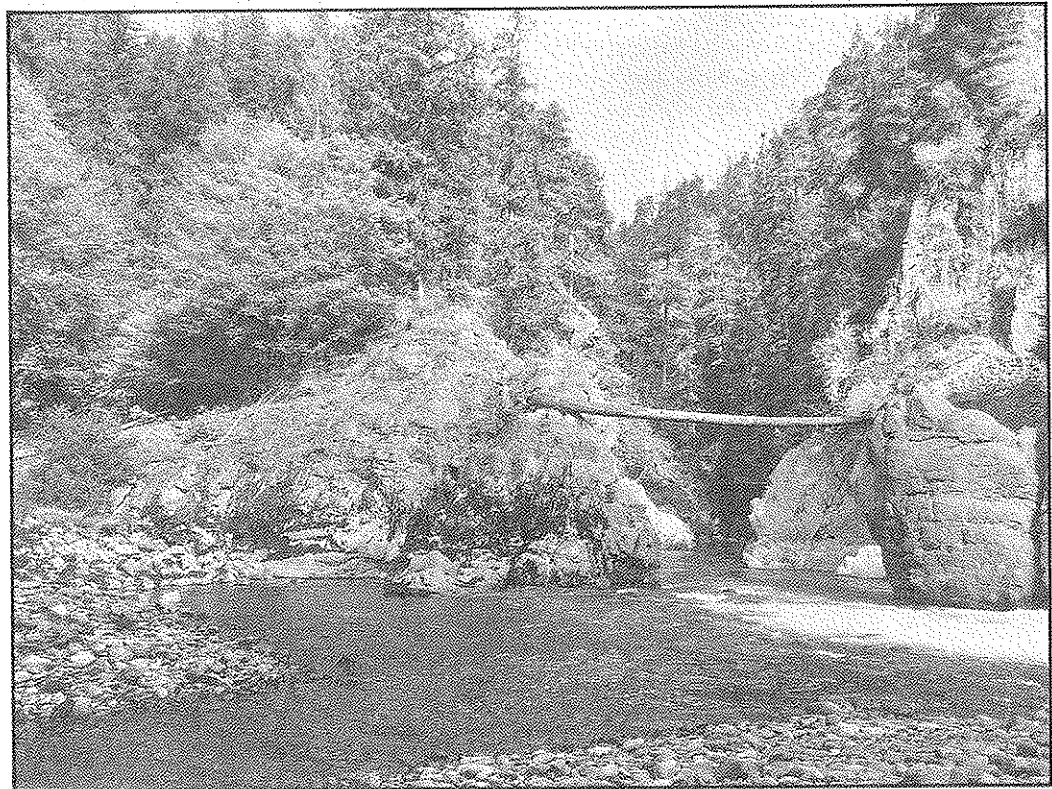
- Dec 19, 1990** FERC grants rehearing of October 19, 1990, order "for purpose of further consideration."
- Feb 1991** FERC releases Draft Environmental Impact Statement concluding that (1) dam removal is feasible, (2) only dam removal will result in the full restoration of the Elwha River ecosystem and anadromous fish, and (3) the cost of power produced by dam retention would equal or exceed the cost of power from the Bonneville Power Administration.
- Mar 27, 1991** General Accounting Office concludes that "dam removal offers the best prospects for fish restoration" and decides that the selection of an alternative is essentially a public policy decision.
- Apr 5, 1991** FERC issues order denying requests for rehearing and reconsideration of its October 19, 1990, order, claiming jurisdiction over the Glines Canyon Project.
- Apr 22, 1991** Pacific Fishery Management Council commented that only dam removal would provide restoration of anadromous fish at levels that would support increased recreational and commercial fishing, and requested FERC consult with the Council.
- May 31, 1991** Conservation Intervenor and Tribe file Petitions for Review with Ninth Circuit for court review of FERC orders exerting licensing jurisdiction over Glines Canyon Project within Olympic National Park.
- Jun 4, 1991** Department of Justice, on behalf of the Department of Commerce and Department of the Interior, files Petition for Judicial Review of FERC's October 19, 1990, and April 5, 1991 orders.
- Jun 27, 1991** Ten additional conservation organizations file motion for intervention.
- Jun 28, 1991** In a letter to the Department of Justice, Department of Energy recommends that Petition filed with Ninth Circuit be dismissed citing agreement with FERC's position that it has authority to license the Glines Canyon Project.
- Aug 6, 1991** Pacific Fishery Management Council requested a response to its April 22, 1991 letter.
- Nov 13, 1991** FERC requested information from the Joint Fish and Wildlife Agencies, including fish restoration and harvest management plans, and provided less than 30 days for a response.



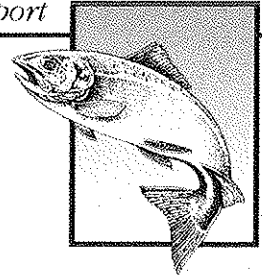
- Dec 13, 1991** National Marine Fisheries Service questioned assumptions contained in FERC's November 13, 1991, request for information, but agreed with the FERC assessment that much information is needed. However, National Marine Fisheries Service noted that FERC had not ordered the studies requested by the Joint Fish and Wildlife Agencies that would have provided that information.
- Jan 23, 1992** FERC claims that National Marine Fisheries Service December 13, 1991, response is "irresponsible."
- Jan 31, 1992** ITT Rayonier, Inc. filed motion for late intervention.
- Feb 24, 1992** Congressman Dingell requests that FERC explain the basis of a dispute over information requested by FERC from the National Marine Fisheries Service.
- Mar 5, 1992** City of Port Angeles filed motion for late intervention.
- Mar 11, 1992** National Marine Fisheries Service documented information currently available that would assist FERC in its efforts and listed studies requested by the Joint Fish and Wildlife Agencies that FERC had not ordered.
- Apr 7, 1992** FERC responds to Congressman Dingell's February 24, 1992, letter asking for clarification of a dispute over information requested by FERC from the National Marine Fisheries Service.
- Jun 2, 1992** Congressman Dingell characterizes FERC's April 7, 1992, response as inadequate.
- Jun 5, 1992** General Accounting Office concluded that who should pay for dam removal is undecided, although the dam owner could be required to bear the cost if the dams are unlicensed.
- Aug 10, 1992** FERC responds to Congressman Dingell's letter of June 2, 1992.
- Oct 24, 1992** President Bush signs the Elwha River Ecosystem and Fisheries Restoration Act as Public Law 102-495, staying the FERC licensing process.
- Oct 27, 1992** James River II, Inc. requests license transfer to James River Paper Company, Inc.
- Nov 18, 1992** Conservation Intervenors file motion for FERC to stay its licensing proceedings citing Public Law 102-495.



- Dec 22, 1992** FERC issues order approving transfer of Glines Canyon annual license from James River II, Inc. to James River Paper Company, Inc.
- Dec 23, 1992** Joint Motion by Olympic Park Associates, Friends of the Earth, Seattle Audubon Society, Sierra Club, Department of Commerce, Lower Elwha S'Klallam Tribe, FERC, and James River requesting Ninth Circuit issue stay of jurisdiction case.
- Feb 1, 1993** Ninth Circuit granted stay of jurisdiction case.



Goblin Gates on the Elwha River, 1955. (Gunnar Fagerlund photo, Olympic National Park)



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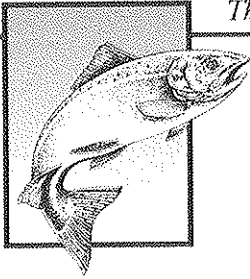
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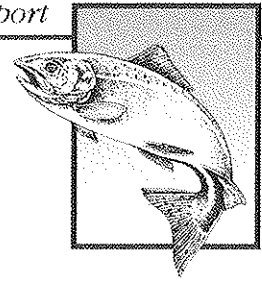
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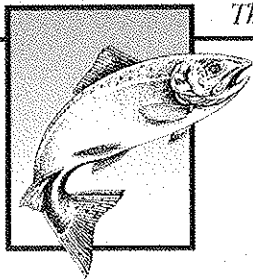
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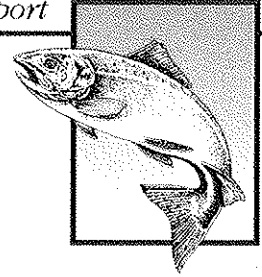
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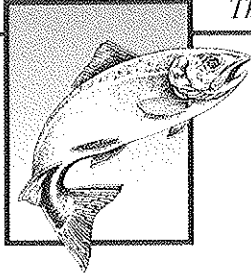
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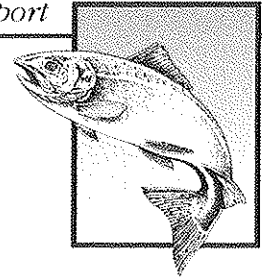
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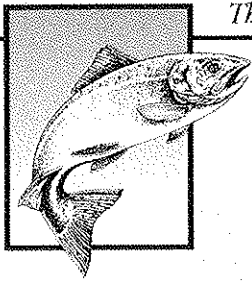
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Fred Sharpe - page 47

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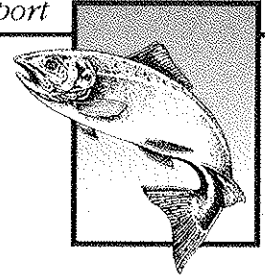
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*Our tribe has lived along the
Elwha River for countless
generations. The river and the
salmon are at the center
of our way of life.*

-Carla Elofson, former tribal chairperson





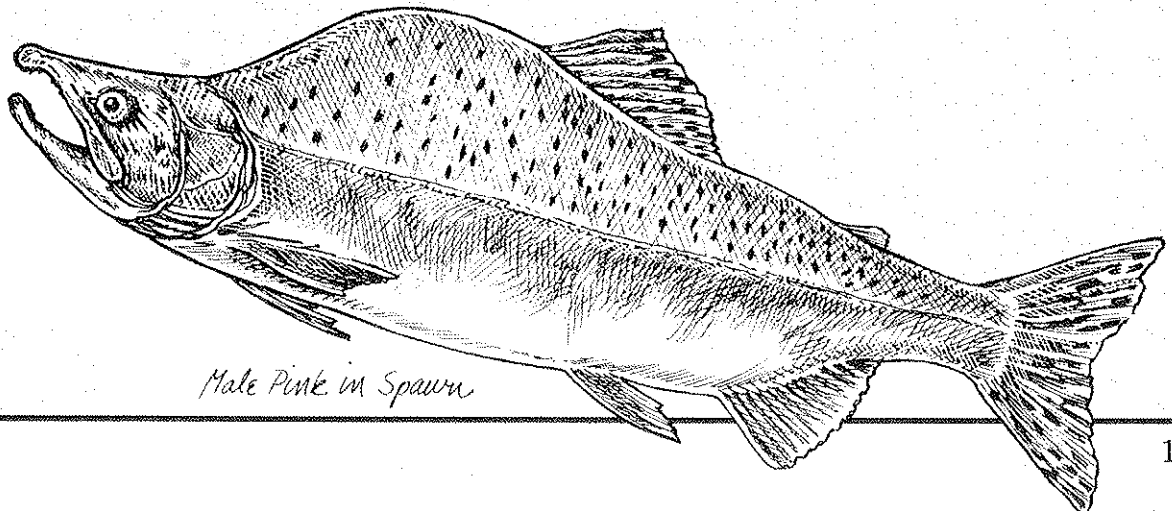
Appendix D:
List of Common and Scientific
Names of Fish Found in
the Elwha River

Common name

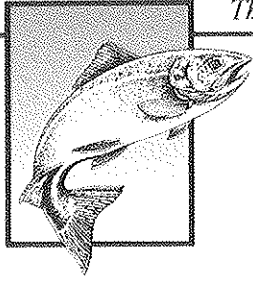
Brook trout
Chinook salmon
Chum salmon
Coho salmon
Cutthroat trout
Dace
Largescale sucker
Dolly Varden
Bull Trout
Peamouth
Pink salmon
Sculpin
Smelt
Sockeye salmon
Squawfish
Steelhead rainbow trout
Threespine stickleback
Whitefish
White Sturgeon

Scientific name

Salvelinus fontinalis
Oncorhynchus tshawytscha
Oncorhynchus keta
Oncorhynchus kisutch
Oncorhynchus clarki
Rhinichthys spp.
Catostomus macrocheilus
Salvelinus malma
Salvelinus confluentus
Mylocheilus caurinus
Oncorhynchus gorbuscha
Cottus spp.
Thaleichthys pacificus
Oncorhynchus nerka
Ptychocheilus spp.
Oncorhynchus mykiss
Gasterosteus aculeatus
Prosopium williamsoni
Acipenser transmontanus



Male Pink in Spawn



List of Common and Scientific Names of Wildlife Found in the Project Area

Common name

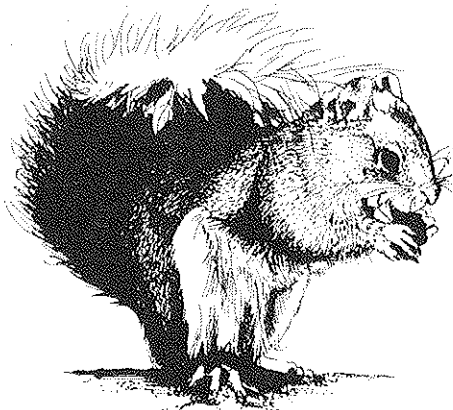
Scientific name

American crow
American dipper
Bald eagle
Band-tailed pigeon
Barred owl
Bat
Beaver
Belted kingfisher
Black bear
Black-tailed deer

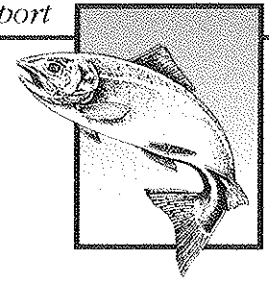
Corvus brachyrhynchos
Cinclus mexicanus
Haliaeetus leucocephalus
Columba fasciata
S. varia
Myotis spp.
Castor canadensis
Ceryle alcyon
Ursus americanus
Odocoileus hemionus
ssp. *columbianus*

Blue grouse
Bobcat
Brown creeper
Bufflehead
Bushy-tailed woodrat
Chesnut-backed chickadee
Common goldeneye
Common loon
Common merganser
Cougar
Coyote
Dark-eyed junco
Deer mouse
Double-crested cormorants
Douglas squirrel
Ensatina
Evening grosbeak
Fisher
Golden-crowned kinglet
Gray jay
Great blue heron
Gulls
Hairy woodpecker
Harlequin ducks
Horned grebe
Long-tailed weasel
MacGillivray's warbler
Mallard
Marbled murrelet
Mink
Mountain beaver

Dendragapus obscurus
Felis rufus
Certhia americana
B. albeola
Neotoma cinerea
Parus rufescens
Bucephala clangula
Gavia immer
Mergus merganser
Felis concolor
Canis latrans
Junco hyemalis
Peromyscus maniculatus
Phalacrocorax auritus
Tamiasciurus douglasii
Ensantina eschscholtzii
Coccythraustes vespertinus
Martes pennanti
Regulus satrapa
Perisoreus canadensis
Ardea herodias
Larus spp.
Picoides villosus
Histrionicus histrionicus
Podiceps auritus
Mustela frenata
Oporornis tolmiei
Anas platyrhynchos
Brachyramphus marmoratus
Mustela vison
Aplodontia rufa



Douglas Squirrel



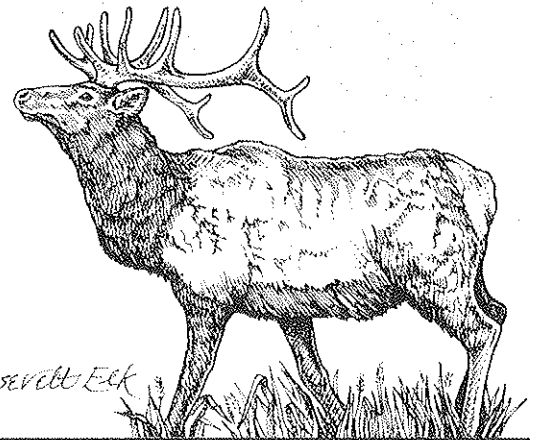
Common name

Scientific name

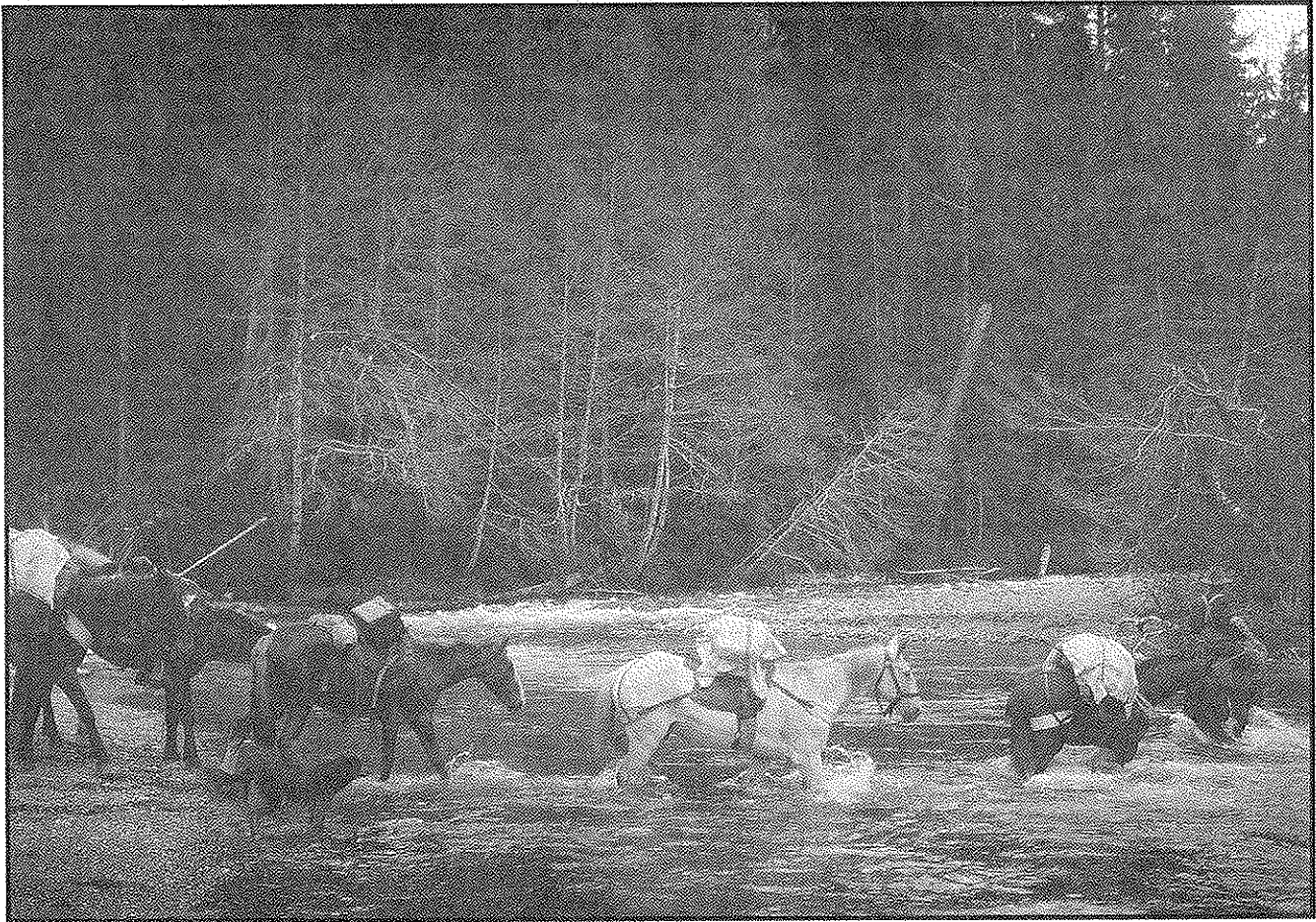
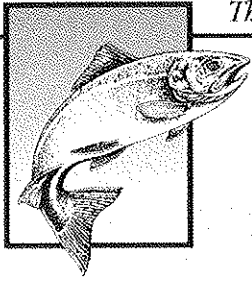
Muskrat
 Northern flying squirrel
 Northern goshawk
 Northern spotted owl
 Northwestern salamander
 Olive-sided flycatcher
 Olympic torrent salamander
 Osprey
 Pacific chorus frog
 Pileated woodpecker
 Pine marten
 Raccoon
 Raven
 Red-breasted nuthatch
 Red-legged frog
 River otter
 Robin
 Roosevelt elk

 Rough-skinned newt
 Ruffed grouse
 Rufous hummingbird
 Shrew
 Shrew-mole
 Snowshoe hare
 Spotted sandpipers
 Spotted skunk
 Stellar's jay
 Striped skunk
 Tailed frog
 Townsend's chipmunk
 Townsend's warbler
 Trumpeter swans
 Turkey vulture
 Van Dyke's salamander
 Varied thrush
 Vaux's swift
 Violet-green swallows
 Warbling vireo
 Western garter snake
 Western grebe
 White-crowned sparrow
 Winter wren

Ondatra zibethicus
Glaucomys sabrinus
Accipiter gentilis
Strix occidentalis caurina
Ambystoma gracile
Contopus borealis
Rhyacotriton olympicus
Pandion haliaetus
Pseuacris regilla
Dryocopus pileatus
Martes americana
Procyon lotor
Corvus corax
Sitta canadensis
Rana aurora
Lutra canadensis
Turdus migratorius
Cervus elaphus
 ssp. *roosevelti*
Taricha granulosa
Bonasa umbellus
Selasphorus rufus
Sorex spp.
Neurotrichus gibbsii
Lepus americanus
Actis macularia
Spilogale putorius
Cyanocitta stelleri
Mephitis mephitis
Ascaphus truei
Tamias townsendii
Dendroica townsendi
Cygnus buccinator
Cathartes aura
Plethodon vandykei
Ixoreus naevius
Chaetura vauxi
Tachycineta thalussina
Vireo gilvus
Thamnophis sirtalis
Aechmophorus occidentalis
Zonotrichia leucophrys
Troglodytes troglodytes



Roosevelt Elk



*Fording the Elwha at the
Godkin, May 27, 1907.
(Asahel Curtis photo,
Washington State
Historical Society)*