



CLEAN, FLOWING WATERS FOR THE WEST

The Center for
Environmental Law & Policy

June 6, 2011

Washington State Recreation & Conservation Funding Board
c/o Washington Recreation & Conservation Office
P.O. Box 40917
Olympia, WA 98504-0917

Re: Spokane River Whitewater Park

Dear Members of the Funding Board:

Thank you for the opportunity to provide input regarding the proposal to reinstate the terminated RCO grant for the Spokane River Whitewater Park. The Center for Environmental Law & Policy (CELP) is a membership-based non-profit organization dedicated to promoting the public interest in the freshwater resources of Washington State. Among other projects, we advocate for flow restoration and protection of natural values of the Spokane River, including water quality and fisheries habitat.

CELP opposes reinstatement of the RCO grant for the reasons set forth below. CELP has previously provided comments to the City of Spokane regarding the proposed determination of non-significance and scoping for the environmental impact statement. While we have not previously directly opposed the whitewater park, our position has recently changed because of new information concerning fisheries resources in the vicinity of the proposed facility. We now oppose development of a whitewater park in the free-flowing reach of the Spokane River downstream of Monroe Street dam.

(1) The proposed whitewater park should not be built in and near important wild redband trout spawning grounds.

In June 2009, Avista Corp. received a new license to operate its dams on the Spokane River. The license requires Avista to conduct many studies, including a survey of trout spawning beds in the free-flowing reach of the Spokane River between Monroe Street dam and Nine Mile dam. That survey was published in final form in March 2011 and is being provided to the RCFB under separate cover.

The spawning survey identified numerous redband trout spawning nests or redds in the reach of river where the whitewater park is proposed to be located. The most active spawning area was located in the north bank curve of the river directly adjacent to and downstream of the proposed whitewater park structure.

As a follow-up to the spawning survey, the Washington Department of Fish & Wildlife will conduct population assessments for the Monroe-Nine Mile reach. Past redband population

assessments for the Spokane River have indicated substantial declines in wild trout numbers, a matter of serious concern. The spawning survey's identification of healthy trout redds in this location indicate that this is an important habitat area for production of wild trout and should be maintained in pristine condition.

It is not appropriate to build or locate a whitewater park structure in the middle of Spokane River wild trout spawning grounds.

(2) The City of Spokane has not obtained "control and tenure" of the Spokane River bed.

As a requirement to receive RCO grant funds, the City of Spokane was required to demonstrate "control and tenure" of the bed and banks of the Spokane River where the whitewater park is to be located. To do this, the City must obtain an aquatic lands lease from the Washington Department of Natural Resources (DNR). The City has been unable to do so. DNR has indicated reluctance to issue a lease to the City for this reach of the river, due in part to failure to obtain requested information.

There are very few free-flowing reaches in the Spokane River. The 100-mile long Spokane River is inundated throughout its length by eight dams. Post Falls, Upper Falls, Monroe, Nine Mile, Long Lake and Lower Falls dams are owned by Avista Corp. Upriver Dam is owned by the City of Spokane, and Grand Coulee Dam (which inundates the lower portion of the river that discharges into the Columbia) is owned by the U.S. Bureau of Reclamation. The free-flowing reach proposed for the park has important public values because of its location adjacent to City-owned natural areas and because of the aquifer springs that discharge into the river, creating cold-water habitat for salmonid fisheries (discussed above).

(3) The City of Spokane has not resolved issues concerning ownership, liability for, and maintenance of the proposed whitewater park.

The whitewater park proposal has been promoted as a project of Friends of the Falls, a local organization that created a "master plan" proposal for the "Great Gorge" area of the Spokane River where the whitewater park would be located. The idea, as we understand it, was for Friends of the Falls to obtain private and public funding for study and construction of the park, then turn these funds over to the City of Spokane. However, there remain two outstanding questions regarding future operations.

First, what funding is available for maintenance of the whitewater park? Presumably a structure subject to river hydraulics that range seasonally between 20,000 cfs (up to 40,000 cfs in heavy runoff years) and 850 cfs during the summer low flow period will require routine inspection, maintenance and repair. A source of funding for these critical needs has never been identified. Given City budget cuts, including for essential services, it seems unlikely that general funds would be available to pay for these activities.

Second, whitewater parks are inherently dangerous and present substantial liability issues for the owner-operator. Whether the City of Spokane could prudently assume liability for the proposed Spokane River whitewater park is an unresolved question.

Conclusion

In sum, CELP opposes construction of a whitewater park in the middle of important spawning grounds for wild redband trout of the Spokane River. We support the RCFB's termination of the grant to the City of Spokane to conduct an environmental impact study of the whitewater park project. With new information, it is clear that a whitewater park cannot successfully be built or mitigated for in the proposed location.

Please do not hesitate to contact me if you have further questions.

Yours very truly,



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