

GARY LOCKE
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STATE OF WASHINGTON
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March 30, 2000

Mr. Larry Cassidy, Chair
Northwest Power Planning Council
Post Office Box 2187
Vancouver, WA 98668

Mr. Ric Ilgenfritz, Chair
Federal Caucus
c/o Federal Caucus Comment Record
707 W. Main Street, Suite 500
Spokane, WA 99201

Mr. Lonnie Mettler
U.S. Department of the Army
201 North 3rd Avenue
Walla Walla, WA 99362-1876

Dear Mr. Cassidy, Mr. Ilgenfritz, and Mr. Mettler:

Enclosed are Washington's comments to draft federal and Northwest Power Planning Council (NPPC) documents relating to the goal of restoring salmon and steelhead populations to healthy and harvestable levels in the Columbia Basin. The Department of Ecology's comments are specifically on the Draft Environmental Impact Statement (DEIS) and the All-H paper. The Department of Fish and Wildlife's (WDFW) comments are on the DEIS. WDFW will be responding later to the All-H paper, the Biological Assessment and the NPPC's fish and wildlife amendments. The Departments of Transportation and Natural Resources are responding to the DEIS.

There are several common themes in Washington's response to these documents that warrant highlighting. These are:

1. An integrated and comprehensive approach to salmon recovery. Two points need to be made in this regard. The DEIS for Snake River dams should not be regarded as a "stand alone" document. Fish recovery is a basin-wide objective and necessarily will involve a package of actions required to recover fish. It makes little sense to take a position on the lower Snake River dams in the absence of how such actions relate to broader actions in the Basin. In fact, this point is stressed extremely well in the All-H paper and we commend the federal caucus for taking a leadership role in looking at fish recovery from a Basin-wide perspective.

The NPPC is developing a sub-basin planning approach for fish and wildlife recovery. Washington needs this effort to complement the Statewide Salmon Recovery Strategy. We cannot emphasize enough that a regional entity must not create its own planning effort within Washington without specifically indicating how it will work with existing watershed processes doing similar work and utilizing well-established watershed boundaries that do not match up with the NPPC's subbasin boundaries. This creates more duplication and confusion and will harm the overall fish and wildlife recovery effort.



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2. Moving ahead now with early actions. Clearly, implementation of a long-term recovery plan will take many years of sustained effort. But given the condition of fish in the Basin, we cannot support delay. We must move ahead now with several early actions that, by all accounts, need to be done whatever final path is selected. A list of such actions will be forthcoming.

3. Compliance with state and federal laws. While we may have differences in interpretation about what this responsibility means in practice, we are troubled by arcane interpretations of the Clean Water Act (CWA) suggesting that federal agencies do not have to abide by the CWA. This line of argument troubles us. Clearly, there are implications about what this means for respective responsibilities and costs, but we need to deal with these straight up and sort through possible solutions without having to first establish that a federal agency must abide by the CWA. Given the level of effort necessary to recover fish, this is not where we should be expending our time or resources.

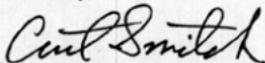
Two federal agencies have responsibilities to administer the federal Endangered Species Act (ESA). However, we have sensed that there is inconsistency in how they interpret what is and what is not permissible under the ESA. This is confusing for state and local government agencies and for various stakeholders impacted by the ESA. We need consistent administration of the ESA by both agencies.

We need a clear standard about what does and does not meet the requirements of the ESA. We should not have and cannot have a situation in which state and local governments and agriculture, private businesses and individuals have to guess what laws and regulations do or do not pass muster under the ESA.

4. Clarifying organizational issues. We are overwhelmed by the number of different authorities responsible for Columbia River operations including fish recovery, and the demands on agency staff time. Washington would be very supportive of working with others to streamline management operations to address this situation, and to clarify who is responsible for which issues.

In the enclosed documents, state agencies have provided specific comments indicating where the DEIS on the Snake River dams is inadequate. We hope these comments and the points of emphasis indicated above are helpful. Washington will be working on a more detailed response regarding fish and wildlife management in the Columbia Basin that will be sent to you at a later date.

Sincerely,



Curt Smith
Special Assistant to the Governor
for Natural Resources

Enclosures

cc: Washington Congressional Delegation
Governor Dirk Kempthorne, Idaho State
Governor John Kitzhaber, Oregon State
Governor Gary Locke, Washington State
Governor Marc Racicot, Montana State
Senator Karen Fraser, Washington State Senate
Senator Ken Jacobsen, Washington State Senate
Representative Jim Buck, Washington State House of Representatives
Representative Gary Chandler, Washington State House of Representatives
Representative Kelli Linville, Washington State House of Representatives
Representative Debbie Regala, Washington State House of Representatives
Judi Johansen, Bonneville Power Administration