

VERNON MARIL  
District No. 1

LAWRENCE TURNER  
District No. 2

PRESTON STEDMAN  
District No. 3



OFFICE OF  
BOARD OF COUNTY COMMISSIONERS

DAYTON, WASHINGTON 99325

TO: AN OPEN LETTER TO COLONEL NELSON P. CONOVER,  
U. S. ARMY CORPS OF ENGINEERS

FROM: COLUMBIA COUNTY BOARD OF COMMISSIONERS

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT  
LOWER SNAKE RIVER FISH AND WILDLIFE MITIGATION PLAN

DATE: APRIL 7, 1975

In a March 29, 1975 telephone conversation with Columbia County Commissioner Vernon Marll, Col. Nelson P. Conover of the U. S. Army Corps of Engineers promised to publicly respond to complaints which the Columbia County Board of Commissioners has regarding the proposed Lower Snake River mitigation plan. Therefore, the Board has prepared this open letter to Col. Conover defining its opposition to the plan.

I. THE DRAFT EIS CONTAINS SERIOUS ERRORS AND OMISSIONS WHICH RENDER IT INVALID.

This Board has been advised that an environmental impact statement (EIS) which contains serious errors and omissions is invalid. The draft EIS discussed herein contains numerous serious errors and omissions. For example, the draft EIS seeks authority to obtain easements over approximately 33,000 acres of privately owned land and purchase fee title to an additional 700 acres. Col. Conover, however, has informed this Board that the Corps only intends to acquire easements over 23,000 acres of land and purchase fee title to an additional 600 acres. This Board regards the failure of the draft EIS to comply with the stated intent of the Corps as a serious error which renders the draft EIS invalid. A serious omission exists in the draft EIS in its failure to consider prolific increases in bird and wildlife populations in the thousands of acres of newly created irrigated land. The draft EIS does not discuss the difficulties which the mitigation plan creates for local government by reducing the tax basis and impairing local land use planning programs. The draft EIS also fails to consider the negative impact which the mitigation plan will have on present and future private landowners. Private landowners with reasonable prudent plans to construct homes or cabins or to engage in subdivision activity will be prevented from such beneficial uses of their lands which are subjected to the mitigation easements. This Board firmly believes that any one of the above mentioned errors and omissions is of such a serious nature as to render the draft EIS patently invalid.

II. THE DRAFT EIS VIOLATES NEPA AND SEPA IN THAT IT WAS PREPARED WITHOUT THE BENEFIT OF PUBLIC HEARINGS.

The National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) intend that environmental decisions be made in the light of public scrutiny. 115 CONG. REC. 40,416 (DAILY ed. Dec. 20, 1969) (Remarks of Sen. Jackson). The environmental decisions detailed in the draft EIS are entirely devoid of such scrutiny since the Corps has not held and does not plan to hold any public hearings on the draft EIS. Hearings were held in 1973 on a proposed mitigation plan, but the draft EIS contains concepts which significantly differ from those discussed in 1973. Such differences include changes in the number of proposed game refuges and the role which the State Game Department is to play in negotiating real estate transactions and administering the plan. Since there will be no public hearings on the draft EIS in its own right, this Board contends that the draft EIS is unlawful under the above mentioned statutes.

III. THE DRAFT EIS FURTHER VIOLATES NEPA AND SEPA BY FAILING TO PROPERLY TRANSMIT INPUT FROM LOCAL GOVERNMENT.

NEPA and SEPA contain similar language directing responsible officials to compile detailed statements for proposed actions significantly affecting the environment. Each statute continues by stating that, prior to making the requisite detailed statement the officials shall consult with and obtain comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Comments received from local agencies and local governments are to be forwarded to prescribed agencies along with the detailed statement. This Board has attempted to provide the Corps with input and information regarding the mitigation plan. These statements and documents are published and are on file with the Corps. However, the Corps has failed to transmit such information, thus violating the above mentioned laws. Since the draft EIS has been conceived without due regard for lawfully defined procedures, this Board feels that the draft EIS and the mitigation plan espoused therein are clearly unlawful.

IV. THE CORPS CANNOT LOGICALLY JUSTIFY ACQUIRING PRIVATE LAND FOR MITIGATION UNTIL THE LAND WHICH IT PRESENTLY OWNS IS SUBJECTED TO MITIGATION PROGRAMS.

The Corps presently owns over 25,000 acres of project lands, some of which has been under Corps control for over ten years. Appendix VI of the draft EIS establishes that those lands are not presently undergoing any significant development aimed at enhancing wildlife potential thereby helping to mitigate alleged wildlife losses. Although the Corps states that it generally possesses such management authority, such a program is subject to official Corps approval and funding procedures. In view of these facts, it is entirely incongruous for the Corps to now seek the acquisition of private lands for wildlife mitigation. Until such time as the Corps can demonstrate that its own land is under a mitigation program, and the effects of such program analyzed, this Board will continue to believe that further land acquisition by the Corps for mitigation is entirely unjustified.

Draft Environmental Impact Statement Lower Snake River Fish and Wildlife Compensation

Page 1-2, Item (d), Third sentence: If level of hatchery compensation is to be reviewed before actual design, adverse effects of construction of three additional powerhouse units at each dam and effects of peaking operations should be considered as well as beneficial effects of screening and hauling. Such additional adverse effects were not included in the original study by the fisheries agencies since it was thought that later beneficial actions (screening and bypassing or screening and hauling) would balance out later adverse effects (increased powerhouse size and increased peaking operations), and since no information was available to evaluate some of these actions.

Part VI-6: a. Fish Management (as an alternate to compensation)

It is hard to understand how management of fisheries can compensate for loss to the fisheries due to the dam construction program on the Lower Snake River. Even if we eliminated the fisheries totally, there is abundant evidence that without hatchery supplementation, wild runs of salmon and steelhead cannot reproduce themselves and therefore will be eliminated.

Part VI-8: c. Genetic Alteration of the Fish

Genetic selection may have already had some influence on salmon and steelhead passing dams. However, to infer that spawning in reservoirs could result in any significant production is contrary to known biological requirements of the species concerned. Sockeye (which are not involved in the current compensation program) do spawn in some lakes but under conditions quite different from those found in the Lower Snake River reservoirs.

Insofar as wildlife are concerned, we concur with the comments of the Washington Game and Idaho Fish and Game Departments for both the Special Report and draft Environmental Impact Statement.

- cc Corps of Engineers, North Pacific Division
- Corps of Engineers, Walla Walla District
- Idaho Fish and Game Department
- National Marine Fisheries Service - Columbia River Program Office,  
Portland
- U. S. Fish and Wildlife Service
- Washington Department of Fisheries
- Washington Department of Game

partially offset warm water fishery and wildlife losses, which is defined as "mitigation." Therefore, "compensation" was misused in the title and throughout the text when referring to losses other than anadromous fish, and may mislead the reader.

Response:

The words "compensate" and "compensation" were used throughout the report and EIS by mutual agreement and request of Northwest Federal and state fish and game agencies. The Corps had "mitigation" in original draft and changed it because of this request.

Comment:

The discussion of the "National Register of Historic Places" contains information that is out of date. Current information may be obtained by consulting the National Register as published in the February 10, 1976, and subsequent issues of the Federal Register. This information should be discussed in the final statement.

Response:

We have added to the statement a list of additional historic places located within the study boundary. Supplemental statements will cover the impact on historic places as each project site is established.

Comment:

We believe the statement adequately describes the proposal's impact on outdoor recreation and the related environment.

Response:

Noted.

Comment:

Page 4-3: The discussion of geology fails to describe or evaluate natural foundations for the proposed facilities or to indicate whether slopes or active faults are known in the project area.

Response:

The project area has a seismic risk of approximately intensity VII on the Modified Mercalli Scale. Earthquake in this range would result in moderate damage. Faults and slopes are found in the project area; however, we will discuss the seismic risk in the supplemental statements as hatchery sites are confirmed.

Comment:

We find a brief mention on this page (4-3) of local ground-water impacts, resulting from increased recharge. However, there is no analysis of ground-water impacts. The revised statement also declares that the type and system of sanitary facilities have not yet been determined, but that "water-quality standards" will be met (page 4-4). Further, we note that your response to U.S. Geological Survey comments made during preliminary review, that most ground-water impacts, such as water-level changes, pollution by sewage, and contamination by leakage through settling-basin bottoms or by accidentally spills, would be considered in supplemental environmental statements (page A-18, 19). This does not, in fact, appear to be the case. The discussion of ground-water related impacts in the revised draft statement is still inadequate.

Response:

The supplemental environmental statements will discuss the ground-water impacts of hatchery or wildlife development as project sites are confirmed. To date, the locations of these sites have not been determined.

Comment:

Page 4-15; This section should include other benefits to natural resources that would accrue from the wildlife habitat development. Wise environmental management of land and water resources will benefit the total ecosystem, not just one aspect of it.

Response:

The section indicates: "The habitat development project would be directed at game species; however, any habitat development project would supply many additional niches for non-game species" and, "The major factor is the development of the primary productivity of the land." The overall productivity of the ecosystems will, of course, be transferred up the trophic level as the basic plant productivity is increased in the habitat area. We feel that mentioning the increase in the non-game species conveys this to the general public.

Comment:

Page 5-1, paragraph 5: We do not agree that implementation of the plan would result in increased vandalism and habitat destruction over pre-project conditions. In fact, intensified management should reduce such adverse impacts from recreational use.

Response:

We have experienced increases in vandalism and plant destruction in an area as we develop access to it. Although only a small per-

centage of visitors cause problems, we believe that they tend to do damage at sites that are more easily accessible. Thus, we feel that where we establish access, we will have increased vandalism and habitat destruction.

Comment:

Pages A-5 to A-7: These pages contain the Corps' response to an earlier Bureau of Indian Affairs comment suggesting that the Tribes in the project area should receive communications on project planning related to the Snake River and its tributaries. While the response was favorable, indicating the Corps would make an effort to advise the Tribes, we feel the Corps' commitment should be more specific.

The Corps should ascertain existing Indian rights in the project area and communicate with the affected Tribes on all planning and implementation of actions.

We feel that this should certainly apply to development of specific plans, such as hatcheries and fishery enhancement plans. For instance, siting, design and operation of hatcheries should be developed with tribal knowledge and allow them the opportunity to provide input in planning, if they so desire.

Response:

The Bureau of Indian Affairs has been notified of the project. The affected tribes will have to contact the States' Fish and Game Departments concerning the planning of hatchery locations. Although the Corps is engineering hatchery design and operational lead functions, the Columbia Basin Fishing Technical Committee is preparing recommendations on siting.

UNITED STATES DEPARTMENT OF COMMERCE

Comment:

As pointed out in our comments on the draft environmental impact statement dated February 1975, prepared by the Walla Walla District Engineer, we feel strongly that the use of a \$9.00 value for an angler-day for anadromous fish results in a substantially underestimated value of this important resource. We recommend that the Corps of Engineers recognize within their final environmental impact statement that the \$28 per angler-day figure is consistent with the Water Resource Council's "Establishment of Principles and Standards for Planning." Pages 51 and 52 of the Principles and Standards (as printed in the Federal Register, September 10, 1974) provides three methods for evaluating recreational benefits. Those methods are:

1. Analytical approach relating travel costs to distance.
2. Other approaches.
3. Simulated prices per recreation day.

It is our understanding that the third approach, "Simulated prices per recreation day", is regarded as a last resort, has little justification scientifically, and should be used only if economic studies are unavailable under the first and second approaches. The \$28.00 per angler day falls under approach No. 2 and is developed through the use of questionnaires. At the present time the Corps of Engineers is using these values in regard to Calapooia Dam and Reservoir Project in Oregon. We recognize that to change all of the economic data within the Lower Snake Compensation Plan would be a monumental task at this time. However, we recommend, as a minimum, that the Corps of Engineers acknowledge that the monetary values for the anadromous fish resources as presented in the environmental statement are grossly underestimated.

Response:

Acknowledged. We concur that if the report were prepared today, the \$28.00 value would be used.

Comment:

The term "willing seller" used throughout the revised draft environmental impact statement should be defined in the Glossary and discussed in an appropriate place. The documented landowner opposition to the project makes it appear that offers to buy may not easily be refused. The buy-sell procedure to be followed in acquiring lands should be spelled out in detail.

Response:

The willing seller concept will be used to the fullest extent possible to acquire necessary lands for fish and wildlife. The authority to condemn will be used only when other methods have failed to produce adequate lands to fulfill compensation objectives established by Congress.

Comment:

Page 1-2, paragraph d. This paragraph, concerning the funding of the hatcheries, includes the statement that: "Operation and maintenance would be funded through future appropriations to the U. S. Fish and Wildlife Service or National Marine Fisheries Service." It is our strong view that the operation and maintenance of these facilities should be funded through appropriations to the Corps of Engineers. In this manner, the costs stemming from the effects of these dams on the fish resource would be closely associated with other costs for these dams.

Response:

Please refer to the response to the Pacific Northwest Regional Commission's comment on the same subject, page A<sup>1</sup>-1.

Comment:

Page 5-2, 3rd paragraph. You state that the acquisition of lands (easement or fee) for wildlife habitat and hunting or streambank fishing access would be on a "willing seller" basis; therefore, the effect on the landowner is not considered to be adverse. In view of the anticipated need for condemnation proceedings to provide lands for fish hatcheries (page A-32, line 3; page A-42, bottom line; page A-66, line 1), it is expected that there may be "unwilling sellers," also. This situation should be addressed as an adverse impact in the final environmental impact statement.

Response:

Because there are many possible locations which could satisfy the wildlife requirements the "willing-seller" concept can be used. Fish hatchery siting has very rigid requirements which severely limit the potential locations. For this reason, and since only small acreages are involved, we believe condemnation proceedings should be authorized to assure that the necessary sites are acquired. Every effort will be made to acquire these sites by willing-seller method first before condemnation is used. Section V contains a discussion of the adverse impacts of condemnation procedures.

Comment:

Page 6-9, last paragraph. As stated in our comments on the draft environmental impact statement dated February 1975, we feel that it is most unlikely that strains of salmon and steelhead can be developed "that will flourish under the conditions of the series of reservoirs."

Response:

The genetic alteration of fish is not a heavily researched area; however, considering the operational time of the project (approximately 1,000 years), advances in genetic engineering may develop a strain of salmon and/or steelhead that can spawn in stock water. In the immediate future, it does not appear likely without massive reasearch program.

OREGON DEPARTMENT OF FISH AND WILDLIFE

Comment:

Revised Environmental Impact Statement

Comments provided on the initial February 25, 1975, draft Environmental Impact Statement adequately express our thoughts on the revised EIS draft.

Response:

Noted.

DEPARTMENT OF AGRICULTURE

Comment:

The report and the revised draft environmental impact statement call for the acquisition of 23,000 acres of land in easement, 750 acres of land in easement or fee, and 610 acres in fee, all to be acquired on a willing seller - willing buyer concept. It is our understanding that this is the way the plan was described in the public hearings. However, General Gribble, in the letter of transmittal to the Secretary of the Army, recommends that the Corps of Engineers "acquire all lands and interests of lands required for fish and wildlife purposes in accordance with usual acquisition procedures". These lands would then be transferred to appropriate states of agencies with deed restrictions on future use. This could mean outright purchase of about 24,000 acres and possible use of condemnation. As such, this would contradict the report recommendations. It is unknown if any farmland included in this acquisition would continue to be used for crop production since no arrangements have been made with the sponsors.

Response:

Except for the 610 acres acquired for intensive wildlife habitat development, most easement lands could remain in crop production or grazing use.

Comment:

We do not believe the environmental impact statement addresses the impacts of General Gribble's recommended alternative. Sufficient information is lacking to properly consider the trade-offs between agricultural production and fish and wildlife production, between public ownership and the option for private ownership, and the impacts on the local agricultural economy.

Response:

The land removed from agricultural production would only amount to approximately 610 acres. This would not amount to a substantial loss of agricultural productivity. Of these sites, 210 acres of land may not be situated in grain crop producing areas.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Comment:

Thank you for your request concerning our response to the Upper Baker Project, Skagit River Basin, Washington, and the Lower Snake River Fish and Wildlife Compensation Plan, Lower Snake River, Washington. The Department has not reviewed these documents and, to my knowledge, does not plan to review them.

Response:

Noted.

FEDERAL POWER COMMISSION

Comment:

The Federal Power Commission expressed a desire to be kept informed of the Corp's fishery development.

Response:

The Federal Power Commission will be kept informed of the further planning of the Lower Snake River Fish and Wildlife Compensation Plan.

(LETTERS OF COMMENT FOLLOW)

PACIFIC NORTHWEST REGIONAL COMMISSION

1205 Washington Street  
Vancouver, Washington 98660

June 28, 1976

DIRECTOR

RECEIVED  
GENERAL INVESTIGATIVE DIVISION  
GROUP  
JUL 6 2 41 PM '76 205 696-2581

SECRETARY OF THE ARMY

The Honorable Donald H. Rumsfeld  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20301

Dear Mr. Rumsfeld:

We, the Governors of the Columbia Basin States, endorse the Lower Snake River Fish and Wildlife Compensation Plan as submitted by the Division Engineer and urge transmittal of the plan to Congress for funding as soon as possible.

The four Lower Snake River dams have had a disastrous effect upon Snake River salmon and steelhead runs. This has required the states to prohibit the taking of spring and summer chinook and summer steelhead by the many interested citizens including sport anglers, commercial fishermen and treaty Indians.

We do take exception to three of General Gribble's comments on the plan and request your consideration of those issues.

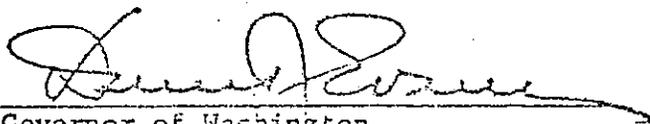
1. In this particular plan, acquisition of fish and wildlife lands by condemnation in lieu of from willing sellers will create controversy and add to project costs. The Washington Department of Game has demonstrated that the required replacement habitat can be acquired on a willing seller basis with less controversy and at a lower cost than by condemnation. We concur that hatchery sites should be obtained by whatever method necessary in order to assure successful implementation of the plan.
2. The states have demonstrated competence in fish propagation and have operated other hatcheries efficiently. Fish propagation, planting and harvest management consideration, as well as the legal responsibilities for these functions make it imperative that the state be designated as the operator.
3. The proposal that operation and maintenance funding for fish hatcheries should be from the budget of the Department of Interior is insecure. We believe the mitigation of damage to fisheries is a Corps responsibility and a continuing obligation of that agency.

The Honorable Donald H. Rumsfeld  
June 28, 1976  
Page 2

The long delay in implementation of the Fish and Wildlife Compensation plan has jeopardized resources and caused much hardship for residents of the three states.

We commend the Corps for working with the states in the development of a compensation program and urge you and the Congress to implement it as rapidly as possible.

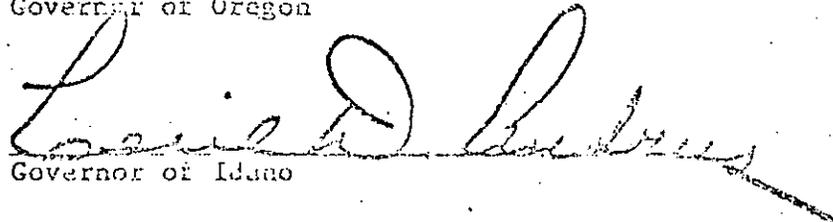
Respectfully,



Governor of Washington



Governor of Oregon



Governor of Idaho

cc: Congressional Delegations

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO  
ATTN OF: 10FA - M/S 623

June 21, 1976

Colonel Nelson P. Conover, CE  
District Engineer  
Department of the Army  
Walla Walla District, Corps of Engineers  
Building 602, City-County Airport  
Walla Walla, Washington 99362

Dear Colonel Conover:

We have completed review of the revised draft environmental impact statement on the Lower Snake River Fish and Wildlife Compensation Plan. Our review of the revised document shows that the questions raised regarding mitigating costs, omission of non-hatchery mitigation and treatment of hatchery waste in our April 9, 1975, letter have been adequately answered.

The Environmental Protection Agency has recently received several letters addressing the question of eminent-domain. Your transmittal letter accompanying the revised draft EIS indicates that you are aware of the deep concern of local land owners regarding this matter.

Our comments on this statement have been classified LO-1, LO (Lack of Objections) 1 (Adequate Information). The classification and the date of the Environmental Protection Agency's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our review on proposed Federal actions under Section 309 of the Clean Air Act, as amended.

Thank you for the opportunity to review this draft statement.

Sincerely,

*Walter D. Jaspers*

Walter D. Jaspers  
Director  
Office of Federal Affairs



**DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD**

MAILING ADDRESS:  
U.S. COAST GUARD (G-WS/73)  
WASHINGTON, D.C. 20590  
PHONE: (202) 426-2262

• 21 July 1976

Lieutenant General W. C. Gribble, Jr.  
Chief of Engineers  
Department of the Army  
Washington, D. C. 20314

Dear General Gribble:

This is in response to your letter of 27 April 1976 addressed to Secretary Coleman concerning a revised draft environmental impact statement on Special Report - Lower Snake River Fish and Wildlife Compensation Plan, Washington and Idaho.

The concerned operating administrations and staff of the Department of Transportation have reviewed the material submitted. We have no comments to offer nor do we have any objection to this report.

The opportunity to review this draft statement is appreciated.

Sincerely,

**D. J. RILEY**  
Commander, U.S. Coast Guard  
Department of Transportation  
By Commanding Officer, Seattle

FEDERAL POWER COMMISSION  
WASHINGTON, D.C. 20426

IN REPLY REFER TO:

Aug 16 1976

Lieutenant General John W. Morris  
Chief of Engineers  
Department of the Army  
Washington, D.C. 20314

Reference: DAEN-CWP-A

Dear General Morris:

This is in reply to General Gribble's letter of April 27, 1976, inviting comments by the Commission relative to the proposed special report of the Chief of Engineers, and to the reports of the District and Division Engineers, on the Lower Snake River Fish and Wildlife Compensation Plan, Washington and Idaho. A revised draft environmental impact statement accompanied the reports.

The proposed plan is intended to compensate for fish and wildlife losses occasioned by construction of the Ice Harbor, Lower Monumental, Little Goose, and Lower Granite Lock and Dam projects. Elements of the plan include fish hatcheries and associated facilities, game bird stocking, wildlife habitat development, and provision for fisherman and hunter access. The estimated Federal first cost is \$45,788,000 for construction and \$2,951,000 annually for operation, maintenance, and replacement, based on 1974 price levels.

The total costs of the plan would be allocated equally among the four projects and then further allocated between the power and navigation purposes. Since it was considered that the losses to anadromous fish were caused primarily by fish passing through the hydroelectric turbines, the cost of hatcheries was considered to be a separable power cost chargeable directly to power. Based on preliminary cost allocations, \$44,281,000 of capital costs and \$2,919,000 of annual operation, maintenance, and replacement costs would be allocated to power and reimbursed from power revenues.



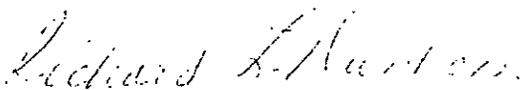
Lieutenant General John W. Morris -2-

The Commission staff has reviewed the reports of your Department to determine the effect on matters of concern to the Commission. The staff notes that there are a number of licensed hydroelectric projects on the Snake River upstream from the four Corps of Engineers' projects. The operation of these non-Federal hydroelectric developments would not appear to be directly affected by the fish mitigation facilities proposed by the Corps. However, any impact on the anadromous fish resources downstream could affect the anadromous fish resources in the area of the licensed non-Federal hydroelectric developments. Thus, the anadromous fish resources of the Snake River are of concern to the Commission. Therefore, it would appreciate being kept informed of any further planning of the Corps' fishery development program.

The staff notes also that the suggested allocation of the costs of the proposed measures among the four projects and between the navigation and power purposes is preliminary. It points out that the responsibility for making the final allocation of costs of the four projects has been assigned by law to the Federal Power Commission. The Commission has already made an allocation of costs for the Ice Harbor project. Allocations for the remaining three projects are pending.

Based on its consideration of the reports of your Department and the studies of its own staff, the Commission concludes that the proposed Fish and Wildlife Compensation Plan apparently would not directly affect any hydroelectric developments licensed by the Commission. It observes that the costs of the proposed measures would affect the project cost allocations for which the Commission has responsibility, and that the resulting allocation of costs to power would affect the Bonneville Power Administration's power rates for which the Commission has approval responsibility.

Sincerely yours,



Richard L. Dunham  
Chairman



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20201

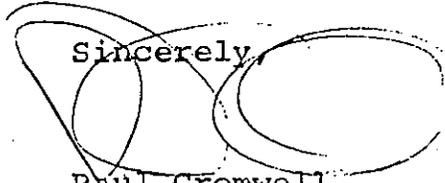
19 August 1976

Lieutenant General John W. Morris  
Chief of Engineers  
U.S. Army Corps of Engineers  
Forrestal Building  
Washington, D.C. 20314

Dear General Morris:

Thank you for your request concerning our response to the Upper Baker Project, Skagit River Basin, Washington and the Lower Snake River Fish and Wildlife Compensation Plan, Lower Snake River, Washington. The Department has not reviewed these documents and, to my knowledge, does not plan to review them.

Sincerely,



Paul Cromwell  
Acting Director  
Office of Environmental Affairs



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

4 August 1976

Lieutenant General J. W. Morris  
Chief of Engineers  
Office of the Chief of Engineers  
Army Corps of Engineers  
U. S. Department of the Army

Dear General Morris:

In accordance with General Gribble's letter of April 27, 1976, we have reviewed the Special Report - Lower Snake River Fish and Wildlife Compensation Plan, Lower Snake River, Washington and Idaho, and the revised draft environmental impact statement.

The report and the revised draft environmental impact statement call for the acquisition of 23,000 acres of land in easement, 750 acres of land in easement or fee, and 610 acres in fee, all to be acquired on a willing seller - willing buyer concept. It is our understanding that this is the way the plan was described in the public hearings. However, General Gribble, in the letter of transmittal to the Secretary of the Army, recommends that the Corps of Engineers "acquire all lands and interests of lands required for fish and wildlife purposes in accordance with usual acquisition procedures". These lands would then be transferred to appropriate states or agencies with deed restrictions on future use. This could mean outright purchase of about 24,000 acres and possible use of condemnation. As such, this would contradict the report recommendations. It is unknown if any farmland included in this acquisition would continue to be used for crop production since no arrangements have been made with the sponsors.

We do not believe the environmental impact statement addresses the impacts of General Gribble's recommended alternative. Sufficient information is lacking to properly consider the trade-offs between agricultural production and fish and wildlife production, between public ownership and the option for private ownership, and the impacts on the local agricultural economy.

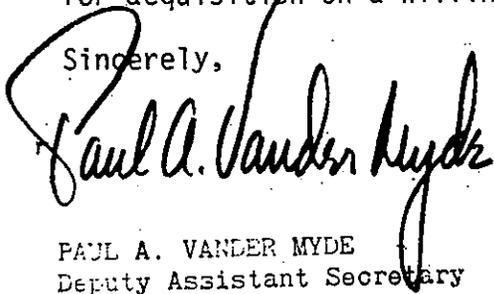
The report does not indicate that General Gribble's recommendation for acquisition of lands required for fish and wildlife purposes has been approved by local governments and interests. We believe that the Corps' position in this regard should be clarified and resolved with the appropriate state agencies and the affected landowners before it is sent forward for authorization.

Lieutenant General J. W. Morris

2

The report indicates present wildlife population on the existing 25,000 acres of federal land surrounding the reservoirs is approximately 56 percent of the preproject level. Planned habitat development on these lands is expected to increase this population to about 70 to 80 percent of preproject numbers in 10 to 15 years. In view of the current and projected importance of agricultural production, we do not see the need for hunting compensation as sufficiently critical in this case to justify the condemnation of 23,610 acres of agricultural land for this purpose. We believe the Secretary of the Army should favor the recommendation of the District and Division Engineers for acquisition on a willing buyer-willing seller basis.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Vander Myde". The signature is written in black ink and is positioned above the typed name and title.

PAUL A. VANDER MYDE  
Deputy Assistant Secretary



# DEPARTMENT OF FISH AND WILDLIFE

## OFFICE OF THE DIRECTOR

1634 S.W. ALDER STREET • • PORTLAND, OREGON • •

ROBERT W. STRAUB  
GOVERNOR

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Member

McKEE A. SMITH  
Member

JACK STEIWER  
Member

JOHN W. McKEAN  
Director

Mr. James Sexson, Director  
Water Resources Department  
1178 Chemeketa Street NE  
Salem, Oregon 97310

Dear Jim:

The Oregon Department of Fish and Wildlife has reviewed the Corps' Special Report on the Lower Snake River Fish and Wildlife Compensation Plan, the revised draft Environmental Impact Statement on the plan, and the report of the Chief of Engineers concurring with the special report and transmitting it to the Secretary of the Army for submission to Congress.

Our staff has worked closely with the Corps in the last several years in development of this plan and is very knowledgeable of the details. Immediate implementation of the plan is urgent if some of the most valuable runs of salmon and steelhead in the Columbia River system are to be maintained. We, therefore, strongly support authorization of the plan by Congress in the current session.

Our comments on the three documents mentioned above are as follows:

### Special Report

Page 92, Compensation of Fishery Losses, Item d, second sentence states that operation and maintenance costs of the salmon and steelhead hatcheries would be funded through future appropriations of the U. S. Fish and Wildlife Service or National Marine Fisheries Service. The compensation is for continuing damage to our fish from Corps of Engineers' actions. Consequently, it is an obligation of that agency and should not be subject to the budgetary ups and downs of the Departments of Interior or Commerce, which are not responsible for the damage. We recommend that the Corps budget for all operation and maintenance costs.

RECEIVED  
JUN 21 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

June 14, 1976

Mr. James Sexson

June 14, 1976

Page 2

Page 92, Compensation of Fishery Losses, item d, last sentence infers that there could be a delay in construction of the hatcheries to review the effects of fish protective devices and powerhouse additions on the net fishery loss. Considering that the projects have damaged the runs for almost 15 years and the present condition of these runs is serious, any such further delay would be intolerable. Clearly, the extent of the required hatchery development is sufficiently great that if it started immediately, as it should, there would be plenty of time to make such evaluation long before any overcompensation could occur. Actually, the losses to downstream migrants and returning adults that have occurred in the last two or three years are so large that it is highly unlikely that the total mitigative package, with full development of the hatchery plan as recommended, could result in overcompensation.

#### Revised Environmental Impact Statement

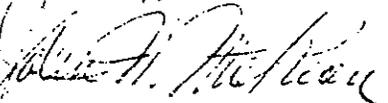
Comments provided on the initial February 25, 1975 draft Environmental Impact Statement adequately express our thoughts on the revised EIS draft.

#### Chief of Engineers' Report

Page 3, item 4. The Chief of Engineers essentially states that the appropriate agency to operate the fish propagation facilities and to carry operation and maintenance costs on their budget is the Department of the Interior. We have already commented on the inadvisability of tying the operation and maintenance costs to any federal agency other than the Corps of Engineers (see first comments on District Engineers' report). Further, we recommend that the option be left open for either the state or federal agencies to operate a given hatchery depending upon which is most appropriate. To do otherwise would be provincial.

Page 3, item 5. The Chief of Engineers expresses concern that the Division Engineers recommended willing seller-willing buyer approach to acquisition of lands will not achieve the full wildlife compensation. It appears to us more likely that the reverse is true and that use of the usual acquisition procedure to acquire property could provoke a land owner dispute. It, therefore, is recommended that acquisition of wildlife and fishing access lands be by the states using the willing seller concept with costs to be reimbursed by the Corps of Engineers.

Sincerely,



John W. McKean  
Director

evk

Mr. James Sexson  
June 14, 1976  
Page 3

cc Governor Robert Straub  
Hon. Mark O. Hatfield  
Hon. Bob Packwood  
Hon. Al Ullman  
Hon. Robert Duncan  
Hon. James Weaver  
Hon. Les AuCoin  
Columbia Basin Fishery Technical Committee Agencies

3.

V. UNAVOIDABLE ADVERSE IMPACTS

Page 5-2, 3rd paragraph. You state that the acquisition of lands (easement or fee) for wildlife habitat and hunting or streambank fishing access would be on a "willing seller" basis; therefore, the effect on the landowner is not considered to be adverse. In view of the anticipated need for condemnation proceedings to provide lands for fish hatcheries (page A-32, line 3; page A-42, bottom line; page A-66, line 1), it is expected that there may be "unwilling sellers," also. This situation should be addressed as an adverse impact in the final environmental impact statement.

VI. ALTERNATIVES

c. Compensation or Management Alternatives

Management Methods

c. Genetic Alteration of the Fish

Page 6-9, last paragraph. As stated in our comments on the draft environmental impact statement dated February 1975, we feel that it is most unlikely that strains of salmon and steelhead can be developed "that will flourish under the conditions of the series of reservoirs."

Thank you for giving us an opportunity to provide these comments, which we hope will be of assistance to you. We would appreciate receiving eight copies of the final statement.

Sincerely,

  
Sidney R. Galler

Deputy Assistant Secretary  
for Environmental Affairs

ROBERT W. STRAUB  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 26, 1976

General John W. Morris  
Chief of Engineers  
Department of the Army  
Office of the Chief of  
Engineers  
Washington, D.C. 20314

Reference: DAEN - CWP - A

Dear General Morris:

The State of Oregon, through the Pacific Northwest Regional Commission, responded to the Lower Snake River Mitigation Plan on July 2, 1976. The letter was sent to the Honorable Donald H. Rumsfeld, Secretary of Defense.

The letter did not include the specific comments of the Fish and Wildlife Department. I am now enclosing these comments for your use.

Sincerely,

Governor

RWS/JJS:mst

Enclosure



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Assistant Secretary for Science and Technology**  
Washington, D.C. 20230

July 19, 1976

Lieutenant General W. C. Gribble, Jr.  
Office of the Chief of Engineers  
Department of the Army  
Washington, D. C. 20314

Dear General Gribble:

The revised draft environmental impact statement "Lower Snake River Fish and Wildlife Compensation," and "Special Report, Lower Snake River Fish and Wildlife Compensation Plan, Lower Snake River, Washington and Idaho," which accompanied your letter of April 27, 1976, has been received by the Department of Commerce for review and comment. The statement has been reviewed and the following comments are offered for your consideration.

#### GENERAL COMMENTS

As pointed out in our comments on the draft environmental impact statement dated February 1975, prepared by the Walla Walla District Engineer, we feel strongly that the use of a \$9.00 value for an angler-day for anadromous fish results in a substantially underestimated value of this important resource. We recommend that the Corps of Engineers recognize within their final environmental impact statement that the \$28 per angler-day figure is consistent with the Water Resource Council's "Establishment of Principles and Standards for Planning." Pages 51 and 52 of the Principles and Standards (as printed in the Federal Register, September 10, 1974) provides three methods for evaluating recreational benefits. Those methods are:

1. Analytical approach relating travel costs to distance.
2. Other approaches.
3. Simulated prices per recreation day.



2.

It is our understanding that the third approach, "Simulated prices per recreation day," is regarded as a last resort, has little justification scientifically, and should be used only if economic studies are unavailable under the first and second approach. The \$28 per angler-day falls under approach No. 2 and is developed through the use of questionnaires. At the present time the Corps of Engineers is using these values in regard to Calapooia Dam and Reservoir Project and the Days Creek Dam and Reservoir Project in Oregon. We recognize that to change all of the economic data within the Lower Snake Compensation Plan would be a monumental task at this time. However, we recommend, as a minimum, that the Corps of Engineers acknowledge that the monetary values for the anadromous fish resources as presented in the environmental statement are grossly underestimated.

The term "willing seller" used throughout the revised draft environmental impact statement should be defined in the Glossary and discussed in an appropriate place. The documented landowner opposition to the project makes it appear that offers to buy may not easily be refused. The buy-sell procedure to be followed in acquiring lands should be spelled out in detail.

### SPECIFIC COMMENTS

#### I. DESCRIPTION OF THE PROPOSED ACTION

##### SUMMARY OF COMPENSATION MEASURES

Page 1-2, paragraph d. This paragraph, concerning the funding of the hatcheries, includes the statement that: "Operation and maintenance would be funded through future appropriations to the U.S. Fish and Wildlife Service or National Marine Fisheries Service." It is our strong view that the operation and maintenance of these facilities should be funded through appropriations to the Corps of Engineers. In this manner, the costs stemming from the effects of these dams on the fish resource would be closely associated with other costs for these dams.

We believe the statement adequately describes the proposal's impact on outdoor recreation and the related environment.

Specific Comments

Page 4-3: The discussion of geology fails to describe or evaluate natural foundations for the proposed facilities or to indicate whether slopes or active faults are known in the project area.

We find a brief mention on this page of local ground-water impacts, resulting from increased recharge. However, there is no analysis of ground-water impacts. The revised statement also declares that the type and system of sanitary facilities have not yet been determined, but that "water-quality standards" will be met (page 4-4). Further, we note that your response to U.S. Geological Survey comments made during preliminary review, that most ground-water impacts, such as water-level changes, pollution by sewage, and contamination by leakage through settling-basin bottoms or by accidental spills, would be considered in supplemental environmental statements (page A-18, 19). This does not, in fact, appear to be the case. The discussion of ground-water related impacts in the revised draft statement is still inadequate.

Page 4-15: This section should include other benefits to natural resources that would accrue from the wildlife habitat development. Wise environmental management of land and water resources will benefit the total ecosystem, not just one aspect of it.

Page 5-1, paragraph 5: We do not agree that implementation of the plan would result in increased vandalism and habitat destruction over pre-project conditions. In fact, intensified management should reduce such adverse impacts from recreational use.

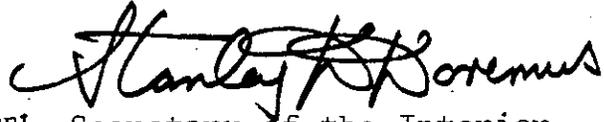
Pages A-5 to A-7: These pages contain the Corps' response to an earlier Bureau of Indian Affairs comment suggesting that the Tribes in the project area should receive communications on project planning related to the Snake River and its tributaries. While the response was favorable, indicating the Corps would make an effort to advise the Tribes, we feel the Corps' commitment should be more specific.

The Corps should ascertain existing Indian rights in the project area and communicate with the affected Tribes on all planning and implementation of actions.

We feel that this should certainly apply to development of specific plans, such as hatcheries and fishery enhancement plans. For instance, siting, design and operation of hatcheries should be developed with tribal knowledge and allow them the opportunity to provide input in planning, if they so desire.

We hope these comments will be useful in your review of these documents.

Sincerely yours,



Deputy Assistant Secretary of the Interior

J. W. Morris  
Lieutenant General, USA  
Chief of Engineers  
Department of the Army  
Washington, D. C. 20314

Enclosure



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

ER-76/424

14 July 1976

Dear General Morris:

Thank you for the letter of April 27, 1976, requesting our views and comments on the Special Report and the revised draft environmental impact statement for Lower Snake River Fish and Wildlife Compensation Plan, Washington and Idaho. We have the following comments for your consideration.

## Special Report

### General Comments

We fully support the essential recommendation of the report that "additional measures be authorized for development to compensate for losses incurred at the existing projects on the Lower Snake River." These measures would significantly reduce the losses, and we appreciate the Corps' efforts in this matter. The measures are urgently needed, and we hope they can be implemented in the near future.

Some minor fish and wildlife problems remain to be worked out, but there should be no difficulty in resolving them if the present exemplary level of field coordination is continued. However, we do have some disagreement with the report's recommendations concerning which agencies should fund for operation, maintenance and repair (OM&R) of lands and facilities included in the fish and wildlife mitigation/compensation measures.

### Specific Comments

Page 3, paragraph 4 of the Chief of Engineers' Report: Our Department's Fish and Wildlife Service has the expertise to manage and operate the fish propagation facilities and would be willing to accept this responsibility. The decision of whether the facilities should be turned over in title to this Department should be determined through agreement between the Corps and the Fish and Wildlife Service.



*Save Energy and You Serve America!*

The question of which agency should have funding responsibility for annual OM&R costs of hatcheries (particularly for anadromous fish) is presently being evaluated by the Corps, the Fish and Wildlife Service, National Marine Fisheries Service and the Office of Management and Budget. Until this policy matter is resolved, the Corps should continue the current practice of funding OM&R for these facilities, particularly since the hatcheries are being constructed for compensation/mitigation of project-caused fishery losses.

Page 3, paragraph 5 of the Chief of Engineers' Report: We agree that normal Federal acquisition procedures should be used wherever necessary to ensure that lands required for mitigation of fish and wildlife losses will be obtained within a reasonable time frame. It would be desirable from the public viewpoint if initial efforts were directed, to the extent possible, toward obtaining lands of suitable quality, quantity and location from willing sellers; but the right of condemnation must be retained in case the willing seller concept is ineffective.

Further, while we support the recommendation that the States should manage the wildlife lands, it is our position that the Corps should retain funding responsibility for annual OM&R. The Fish and Wildlife Service views on OM&R funding for wildlife mitigation lands were stated in a letter to the Corps concerning the Dworshak Dam and Reservoir, Idaho, dated April 29, 1976. We have enclosed a copy of that letter for your ready reference.

### Environmental Statement

#### General Comments

We wish to reiterate a concern previously expressed by the Fish and Wildlife Service. The proposed fish and wildlife measures will not "compensate" for project-caused losses. The measures will only partially offset warm water fishery and wildlife losses, which is defined as "mitigation." Therefore, "compensation" was misused in the title and throughout the text when referring to losses other than anadromous fish, and may mislead the reader.

The discussion of the "National Register of Historic Places" contains information that is out of date. Current information may be obtained by consulting the National Register as published in the February 10, 1976, and subsequent issues of the Federal Register. This information should be discussed in the final statement.