RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: FWIP-040
RECEIPT DATE:
SEP 10 2001

Kuehn, Ginny -KC-7

From: Alton, Charles - KEC-4
Sent: Monday, September 10, 2001 7:48 AM
To: Kuehn, Ginny -KC-7; Ben Underwood (E-mail); Judy Montgomery; KEY, PHILIP; MORELAND, MOLLY; MUIR, Jean; PIERCE, KATHERINE; Roger Mann
Subject: FW: Comments of Fish & Wildlife Implementation Plan DEIS (DOE/EIS-0312)

FYI
-----Original Message-----
From: David Shaw [mailto:dshaw@eroresources.com]
Sent: Friday, September 07, 2001 3:33 PM
To: ccalton@bpa.gov
Cc: Norm Semanko; John Simpson; DBS; Craig Sommers
Subject: Comments of Fish & Wildlife Implementation Plan DEIS (DOE/EIS-0312)

September 7, 2001

Charles Alton, Project Manager – KEC-4
Bonneville Power Administration
P.O. Box 3621 e-mail: ccalton@bpa.gov
Portland, Oregon 97208

RE: Comments on Fish & Wildlife Implementation Plan Draft Environmental Impact Statement (DOE/EIS-0312)

Dear Mr. Alton:

These comments are submitted on behalf of the Committee of Nine and the Idaho Water Users Association (hereinafter "Idaho water users"). The Committee of Nine is the official advisory committee for Water District 1, the largest water district in the State of Idaho. Water District 1 is responsible for the distribution of water among appropriators within the water district from the natural flow of the Snake River and storage from U.S. Bureau of Reclamation reservoirs on the Snake River above Milner Dam. The Committee of Nine is also a designated rental pool committee that has facilitated the rental of stored water to the Bureau of Reclamation to provide water for flow augmentation pursuant to the 1995 and subsequent Biological Opinions. The Idaho Water Users Association was formed in 1938 and represents about 300 canal companies, irrigation districts, water districts, agri-business and professional organizations, municipal and public water suppliers, and others.

Enclosed is a document titled "The Fallacy of Upper Snake Flow Augmentation – There Is No Need To Drain Idaho for Salmon" prepared by the Idaho water users. Idaho water users support salmon recovery but believe, as set out in the enclosed document, the use of water from the Upper Snake River basin for flow augmentation is not a viable alternative to aid the listed species.

#1

Upper Snake flow augmentation water is taken from that portion of the basin upstream from Hells Canyon that is neither within the area inhabited by the listed salmonids nor is it within that portion of the basin with FCRPS facilities. We believe science does not support continuing, or increasing, the demand for augmentation water from the Upper Snake River basin in the name of recovery of listed species or mitigation for impacts of the FCRPS on the listed species.

We recognize you are relying on the work of others as the basis for development of your Implementation Plan EIS. We ask that you consider the analysis provided in the enclosed document as you prepare your final EIS and take the opportunity to reject continued demands for Upper Snake flow augmentation because of its ineffectiveness as a means to aid the listed species and its high societal cost and divisiveness.

#2

We appreciate the opportunity to comment on the DEIS. Please let us know if we can provide you with any additional information to facilitate the preparation of your final EIS.

Respectfully submitted by,

John Simpson
Barker, Rosholt, & Simpson
P.O. Box 2139
Boise, ID 83701-2139
On behalf of the Committee of Nine

Norm Semanko, Executive Director and
General Counsel
Idaho Water Users Association
410 South Orchard, Suite 144
Boise, ID 83705

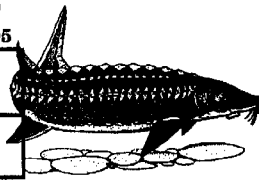
Enc.

cc: w/o Enclosure*
Governor Kempthorne
Idaho Congressional Delegation
Sen. Laird Noh
Rep. Cameron Wheeler
Sen. Pro-Tem Robert L. Geddes
Speaker Bruce Newcomb
Rep. Dell Raybould
Northwest Power Planning Council Members:
Jim Kempton
Judi Danielson
Leo A. Giacometto
Eric J. Bloch
Stan Grace
John Brogoitti
Frank L. Cassidy, Jr.
Tom Karier
Donna Darm
John Palensky
Brian Brown
James Caswell
Rodney W. Sando
Jim Yost
Karl Dreher
Virgil Moore
Dan Daley
J. William McDonald
Witt Anderson
Clive Strong
Bob Lohn
Roger Fuhrman
Chris Randolph
Richard Rigby
Bruce Lovelin
Tom Donnelly
Doug P. Arndt

* Enclosure was previously distributed with Idaho water users June 15, 2001 recommendations for the Northwest Power Planning Council's Mainstem Plan.

KOOTENAI TRIBE OF IDAHO

FISH AND WILDLIFE DEPARTMENT
P.O. Box 1269 Bonners Ferry, Idaho 83805
(208) 267-3620 FAX (208) 267-1131



RECEIVED BPA
PUBLIC INVOLVEMENT
LOG#: FWIP-041
RECEIPT DATE:
SEP 13 2001

Mr. Charles Alton
Project Manager – KEC-4
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

RE: Fish & Wildlife Implementation Plan Draft Environmental Impact Statement

Dear Mr. Alton:

Thank you for the opportunity to comment on the *Fish & Wildlife Implementation Plan Draft Environmental Impact Statement*. The Tribe recognizes the enormous task placed upon the federal agencies in managing the Federal Columbia River Power System and restoring the Columbia River Basin.

The Kootenai Tribe of Idaho appreciates its partnership with the Tribes, federal agencies and state governments and citizens working for restoration of the Basin. The Tribe unfortunately does not have sufficient resources to enable it to fully analyze the Plan's impacts on its rights. Thus, the Tribal Council requests and invites the BPA to schedule a government-to-government meeting pursuant to its trust responsibility and duty to consult on matters affecting the Tribe. Specifically, the Tribal Council requests the BPA to explain the Plan and how it will affect the Tribe and its members. #1

We look forward to meeting with BPA's policy and technical level staff as part of ongoing government-to-government consultation. Please contact Sue Ireland to arrange a meeting time and place.

Sincerely yours,

Chairperson Velma Bahe
Kootenai Tribe of Idaho

cc: Mr. Steve Wright, BPA Administrator (sjwright@bpa.gov)
Ms. Alex Smith, BPA VP for F&W (absmith@bpa.gov)
Mr. John Smith, BPA Tribal Liaison (jasmith@bpa.gov)
Mr. Bob Shank, BPA Tribal Liaison (rlshank@bpa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

FLOOD CONTROL BPA
PUBLIC INVOLVEMENT
LOG#: FWIP-042
RECEIPT DATE:
SEP 13 2001

Reply To
Attn Of: ECO-088

SEP -7 2001

00-009-BPA

Charles Alton
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

Dear Mr. Alton:

We have reviewed the draft Environmental Impact Statement (EIS) for the proposed *Bonneville Power Administration (BPA) Fish & Wildlife Implementation Plan* (CEQ #010246) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and §309 of the Clean Air Act. The draft EIS analyzes policy directions in order to expeditiously address declining populations of fish and wildlife species in the Pacific Northwest.

The draft EIS is an informative document which describes past activities affecting fish and wildlife populations in the Pacific Northwest and possible policy outcomes to mitigate for and recover these populations. EPA applauds the innovative approach that BPA used to 1) describe cumulative impacts and 2) identify alternative policy directions as culminations of decisions made by numerous key players in the Columbia River Basin.

The draft EIS, however, states that BPA will not select one of the policy directions presented in the EIS for fish and wildlife mitigation and recovery because this decision is largely outside of its jurisdiction. EPA believes that the information in this document should not be presented in an EIS because BPA does not intend to select a policy direction presented as an alternative. NEPA at 40 CFR 1502.1 states that the purpose of an EIS is more than a disclosure document. An EIS shall be used by Federal officials in conjunction with other relevant material *to plan actions and make decisions* [emphasis added]. Because the EIS states that it is not a vehicle for decision-making, EPA recommends that BPA consider presenting this information in a white paper. In addition, the non-decisional nature of the document forces us to conclude that the Bureau of Reclamation and other agencies with jurisdiction in the Columbia River Basin should not tier subbasin fish and wildlife recovery plans to this EIS in order to comply with the 2000 Biological Opinion for the Federal Columbia River Power System. #1 #2

Some broad policy directions presented as alternatives in the EIS might be inconsistent with the Clean Water Act, the Endangered Species Act, or other environmental laws and policies. The EIS, to comply with 40 CFR 1502.2(d), should state *how* [emphasis added] alternatives considered will or will not achieve the requirements of environmental laws and policies. Moreover, EPA will raise environmental objections to any final EIS that identifies a preferred alternative that is inconsistent with environmental laws #3

Printed on Recycled Pap

Finally, EPA is also concerned that the proposed BPA Plan would largely duplicate the Northwest Power Planning Council's Fish and Wildlife Plan. Having competing plans for fish and wildlife conservation may contribute to the problem that the proposed BPA Plan is trying to address, namely no agreed-upon regional plan for coordinating mitigation and recovery efforts resulting in significant duplication and delay. EPA favors the broader ecosystem protection mandate associated with the Northwest Power Planning Council's Fish and Wildlife Plan (versus that found with the proposed BPA Plan) because it includes unlisted as well as listed fish and wildlife species. The EIS should therefore clearly state why the proposed BPA Plan is necessary when the Northwest Power Planning Council's Fish and Wildlife Plan is already up and running. #

We have rated this draft EIS, LO (Lack of Objections), because no action will result from this document, thereby precluding us from having environmental concerns or objections. Our rating and a summary of our comments will be published in the *Federal Register*. We have enclosed a copy of the rating system that we used to conduct our review as well as our detailed comment letter which contains suggestions for improving the document. Thank you for the opportunity to review this draft EIS. If you would like to discuss these issues, please contact Chris Gebhardt at (206) 553-0253.

Sincerely,

Judith Leckrone Lee, Manager
Geographic Implementation Unit

Enclosures

EPA Detailed Comments on the Bonneville Power Administration (BPA)
Fish & Wildlife Implementation Plan Draft EIS

S-ii: The draft EIS discusses BPA's responsibility regarding fish and wildlife under the Endangered Species Act (ESA). The EIS should also discuss BPA's Clean Water Act (CWA) responsibilities which indirectly support fish by protecting beneficial uses such as cold water biota. The EIS should list BPA's responsibilities under CWA. #5

S-ii: The ESA defines conserving listed species as bringing the species back to the point where measures described in the ESA are no longer necessary. We are, therefore, pleased that the next page uses the phrase "mitigation and recovery" when describing BPA's responsibility for listed fish and wildlife.

S-iii: The title of the EIS is vague. What do you mean by implementation? The EIS should be renamed "Fish and Wildlife Mitigation and Recovery Plan" to more accurately reflect the plan's purpose and need. #6

S-iii: The draft EIS states that hydrosystem operation requirements for salmon recovery efforts have reduced power generation in the region by about 1,000 megawatts. Is this statement true today? We are aware that fish protection measures have recently been scaled back in response to the March 14, 2001, Federal Energy Regulatory Commission order entitled *Removing Obstacles to Increased Electric Generation and Natural Gas Supply in the Western United States* and that the amount of power generation given up to protect fish might be less than it has been historically. #7

S-iv: The draft EIS states that BPA is preparing the document because (1) many species of fish and wildlife are in serious condition now and (2) BPA wants to be ready to respond promptly when a regional Policy Direction(s) is ripe for decision. We agree with the pressing need to address imperiled fish and wildlife species, but question how accurate predictions about future mitigation and recovery can be prior to developing recovery plans. The EIS should explain why it is analyzing and planning mitigation and recovery options in the absence of recovery plans. #8

S-v: The draft EIS describes the functions of the EIS: 1) evaluate the range of potential policy directions, 2) identify a specific path, and 3) determine environmental consequences. We recommend that the EIS use the more conventional framework described in NEPA regulations at 40 CFR 1502.10. Using this framework, the functions of the EIS can be described as follows: #9
1) Describe the need for a coherent, unified policy for fish and wildlife mitigation and recovery.
2) List alternative policy directions for fish and wildlife mitigation and recovery.
3) Describe the current condition of fish and wildlife species.
4) Predict the effects of alternative policy directions on fish and wildlife species.

S-vi and page 4: The draft EIS states that BPA sells surplus power to California and the southwestern U.S. We believe limiting exports of power to regions outside the northwest would help meet the goals described on page S-vi of the draft EIS. Limiting exports of power would help avoid or minimize impacts to fish and wildlife species from dam operations and the #10

construction and operation of more extensive electrical grid systems while keeping affordable power available for customers inside the Pacific Northwest. #10

S-xii: The draft EIS describes the Council's Multi-Species Framework Project as a more balanced, comprehensive approach. The EIS should define "balanced" in this context. It should also identify what the Project is being compared to. In other words, the Council's Multi-Species Framework Project is more balanced and comprehensive approach than what? #11

S-xii: The draft EIS should quantify the increase in in-river juvenile salmonid survival and increases in resident fish populations commensurate with the stated and quantified monetary amounts spent on fish and wildlife conservation and the percentage breakdown of money spent on anadromous fish. #12

S-xv: The draft EIS states that BPA will not identify a preferred alternative until it prepares the final EIS. This is consistent with NEPA at 40 CFR 1502.14, but seems in conflict with a stated function of the EIS on page S-v which is to identify a specific path that will most likely be taken. #13

S-xvii: We recommend that the EIS list dam removal as a mitigation measure for hydro generation for the status quo alternative since it might be necessary to meet water quality standards for total dissolved gas and temperature. We are pleased that the potential to remove dams is identified as an element of other action alternatives. #14

S-xvii: Mitigation for terrestrial habitat may now also include finding lands to replace habitat lost to recent transmission line and thermal power plant construction. #15

Tables S-2 and S-3: The EIS should identify the criteria and information that the data and Tables S-2 and S-3 are based upon. #16

Page 6: The draft EIS states that the Regional Act (creating the Northwest Power Planning Council) extended BPA's responsibilities to include development of energy conservation resources and enhancement of Northwest fish and wildlife affected by dams. The EIS should incorporate the energy conservation component into this EIS if possible, perhaps by describing how energy conservation reduces the need to produce power or provides more flexibility in operating the hydro system which in turn, enhances fish and wildlife mitigation and recovery. #17

Page 8: We are concerned about a purpose of the draft EIS stated on page 8 of adopting a flexible fish and wildlife strategy. We are concerned that this wording might allow a curtailment of fish and wildlife protection. EPA believes that the power production should accommodate fish and wildlife protection because power can be imported from other sources more easily than transplanting fish, wildlife, and their habitats. Moreover, the protection and recovery of listed species and their habitats is ensured under ESA. #18

Figure 1-4: We recommend that the EIS date documents incorporated by reference to indicate how current is the information found within them . #19

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: FWIP-043
RECEIPT DATE:
SEP 18 2001

September 14, 2001

To: Bonneville Power Administration
Re: Draft Environmental Impact Statement Comments

The Shoshone-Paiute Tribes wish to make the following comments on the Fish and Wildlife Implementation Plan Draft Environmental Impact Statement (DOE/EIS-0312 May 2001) and have these comments become part of the record.

Page 36...

The effects of dam construction discuss the Hells Canyon Complex, Chief Joseph, and Grand Coulee. However, there is no mention of the Owyhee Dam which completely blocked anadromous runs up the Owyhee River system. The Owyhee Dam is a Federal project (BOR), which should be mentioned and mitigated for, especially due to the hydropower activity on this project (DEIS, Appendix E regional energy generation resources, page 15). #1

There needs to be discussion of private and federal agencies that are doing irreparable damage to the system (Ie. Idaho Power Company, Federal Energy Regulatory Commission). These agencies need to be held accountable for their actions that have detrimental impacts on the system. #2

Page 87…

"Tribal Conditions" section discusses hunting and fishing rights of the Tribes in the region. To our knowledge the Shoshone-Paiute Tribes do not have fishing and hunting rights, nor have we been compensated for those lost rights. #3

Page 88…

The statement…"Some upriver Tribes have less of an interest in salmon than they once did….". This statement is false. The Shoshone-Paiute Tribes have a great interest in salmon and steelhead. Anadromous fish are an important part of our culture, which has been taken away from us. #4

Page 202…

"Cultural Resources" section

Cultural resources are more than specific places. Cultural resources to the Shoshone-Paiute Tribes includes land, water, air, birds, fish, everything that mother earth has produced and provided for our Tribes are Culturally important to the Shoshone-Paiute Tribes. Also, many sacred sites of ancestor's burial locations, ceremony locations, and hunting and fishing areas are also very important to our Tribes. #5

Draft Appendix F

What is the intention of this article in the Draft EIS? The article discusses how there needs to be a natural cycle for salmon and steelhead, however, there is no such thing as "Natural" anymore. Man has altered the system to such an extent that people don't even know what is natural or native anymore. Maybe there needs to be discussion on how to put things back to natural or how to work with what the environment is currently. We are not sure of the reasoning behind this article. #6

Appendix G

The Shoshone-Paiute Tribes would like to see a list of the species produced along with list of hatcheries. Also, the hatchery list is incomplete, because it does not include private and non-Federal hatcheries. It lists hatcheries that are no longer operating and fails to mention hatcheries in the planning and construction phases. #7 #8

What is meant by BPA Funds major or minor? How much is major funds from BPA? #9

The following are comments regarding the ESA Implementation Plan for the Columbia River Power System.

In closing we have the following general comments to make on the DEIS.

The most important comment the Shoshone-Paiute Tribes can make is this document seems to end at the Hells Canyon Complex and does not include the Owyhee Dam. #1 (cont.)

This document, like many others completely excludes much of the historic spawning areas for native anadromous fish. #10 The document talks about wanting water from the Upper Snake River Basin however there is no talk of compensation, restoration of historic fish runs, dam modifications, consultation, or collaboration with the entities in the Upper Snake to help the dwindling fish runs downstream. #11

According to BPA document DOE/EIS-0312 (May 2001) the Owyhee Dam has hydropower capacity as of the late 1980's. This fact should be mentioned as well as the fact that this dam completely blocked the anadromous fish runs up the Owyhee River.

The Shoshone-Paiute Tribes also are very concerned about consultation on both this document and the Draft EIS. The Federal Government has a trust responsibility to our Tribes to consult with our elected officials concerning any actions that may take place under these two documents. As of September 2001 this has not taken place with our Tribes. #12

The Tribes would also like to see highest priority given to areas above "blockages" as was the original intent in the 1994 Power Act amendment. These are the areas that have suffered the greatest losses. #13

The Shoshone-Paiute Tribes want to thank Bonneville Power Administration for the opportunity to provide comments on this document. We are appreciative of our relationship with BPA and hope we can continue this partnership to help protect fish and wildlife resources in the Columbia River Basin and on the Duck Valley Indian Reservation.

Sincerely

Marvin Cota

Chairman Shoshone-Paiute Tribes

Duck Valley Indian Reservation

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: FWIP-044
RECEIPT DATE:
SEP 18 2001

September 7, 2001

BPA Administrator
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Dear Administrator:

Enclosed is the State of Idaho formal comment to the Bonneville Power Administration (BPA) Fish and Wildlife Implementation Plan Draft Environmental Impact Statement (DEIS).

These comments have been coordinated with all appropriate State of Idaho agencies through my Office of Species Conservation. We appreciate this opportunity to provide comments on the DEIS.

Sincerely,

DIRK KEMPTHORNE
Governor

OFFICE OF SPECIES CONSERVATION

DIRK KEMPTHORNE
Governor

JAMES L. CASWELL
Administrator

300 North 6th Street
P.O. Box 83720
BOISE, IDAHO 83720-0195
(208) 334-2189
(208) 334-2172 FAX

September 7, 2001

BPA Administrator
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621

Dear Administrator:

This letter is the State of Idaho's formal comment on the Bonneville Power Administration (BPA) Fish and Wildlife Implementation Plan Draft Environmental Impact Statement (DEIS). The DEIS was released June 12, 2001, with formal comment due September 7, 2001, and this comment is therefore timely filed. Idaho appreciates the opportunity to comment and the willingness on behalf of BPA to consider State concerns.

The Bonneville Power Administration (BPA) has undertaken a challenging task to attempt to characterize and contrast current and alternative future Policy Directions to guide its implementation and funding of fish and wildlife mitigation and recovery efforts in the DEIS. Key to this task is first classifying alternatives developed by existing policy initiatives within the region into consistent themes, termed the "Policy Directions." The theme of implementing recovery actions broadly and comprehensively is common among many existing Columbia Basin recovery reviews and plans. However, many of the plans differ in their emphasis on the approach to recovery deemed most important. This underlies the challenge of the DEIS.

The DEIS has three main functions: 1) to evaluate the range of potential Policy Directions, 2) to identify what specific path the region most likely will take as a unified planning approach or as a series of independent actions for fish and wildlife mitigation and recovery efforts, and 3) to determine the environmental consequences of BPA's implementation and funding of actions that could emerge from that path (termed Policy Direction). The document encompasses funding and implementation decisions by BPA for several regional initiatives including the Provincial Review (an element of the Northwest Power Planning Council's Fish and Wildlife Program), the Wildlife Mitigation

Program, the Federal Columbia River Power System (FCRPS) Biological Opinion and the Federal Caucus "All-H" Recovery Strategy. Because of the importance of these mitigation and recovery programs to the Columbia Region and its fish and wildlife resources, it is important that the DEIS be accurate and objective. The following comments by the State of Idaho, in coordination with the Idaho Department of Fish and Game (IDFG), address areas where we believe the DEIS should be improved to provide a more accurate assessment of potential effectiveness of alternative policy options in implementation and of the funding of fish and wildlife mitigation and recovery efforts.

GENERAL COMMENTS

Idaho appreciates the somewhat precarious position in which BPA finds itself with respect to policy direction for BPA's participation in state, federal, regional and tribal fish and wildlife recovery efforts. The "Recommendations of the Governors of Idaho, Montana, Oregon and Washington for the Protection and Restoration of Fish in the Columbia River Basin," (or "Four Governors' Agreement") is an unprecedented regional effort intended to provide BPA, as well as others possessing recovery responsibilities, with consistent direction from affected Northwest States. The Four Governors' Agreement (2000) states: "*[T]he regional approach must include a clear goal so that the region can understand what constitutes success. Accordingly, the goal we suggest is protection and restoration of salmonids and other aquatic species to sustainable and harvestable levels meeting the requirements of the Endangered Species Act, the Clean Water Act, the Northwest Power Act and tribal rights under treaties and executive orders while taking into account the need to preserve a strong economy in the Pacific Northwest.*" The Four Governors' Agreement is hereby incorporated in the State's comment by reference. #1

At the outset, Idaho takes issue with the use of the term "status quo" as it connotes that nothing has been done to promote recovery in the FCRPS or the other H's. There have been improvements in all human mortality sectors through the last two decades, but they have not resulted in recovered populations. Perhaps "status quo" is more appropriate only relative to the 1995 and the 1998 FCRPS Biological Opinion. #2

Idaho can sympathize with BPA's cry for help inasmuch as BPA is criticized for the perceived lack of a clear policy "theme." There is tremendous diversity among the fish and wildlife populations in the Columbia River basin, including their current status and degree of impact from the FCRPS. Therefore, a one-size-fits all approach may be ill advised. Idaho supports the subbasin planning approach to identify priorities on a smaller and more informed scale. The Fish and Wildlife Implementation Plan should account for existing State fish and wildlife agency laws and policies. The IDFG policy direction for anadromous fish and resident fish and wildlife affected by the FCRPS is spelled out in the IDFG Report to the Director, *Idaho's Anadromous Fish Stocks: Their Status and Recovery Options* (IDFG 1998); in fisheries management plans (IDFG 1992, 2001a); and in subbasin summaries. IDFG's overall fisheries goal is to restore and maintain wild native populations and habitats of resident and anadromous fish to preserve genetic #3 #4 #5

integrity, ensure species and population viability, and provide sport fishing and aesthetic benefits (draft Salmon Subbasin Summary, 2001). The anadromous fish goal is to recover wild Snake River salmon and steelhead populations and restore productive salmon and steelhead fisheries (IDFG 1998). #5

The State is keenly aware of the National Environmental Policy Act concerns which underlie this DEIS. BPA's fish and wildlife responsibilities (ES-ii) include those under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 ("Regional Act") and the Endangered Species Act (ESA), as well as the Clean Water Act and federal tribal trust responsibilities. The DEIS summary recognizes that alternatives must meet certain laws to be viable (ES-xv). Fish and wildlife protection, mitigation and enhancement responsibilities are broader under the Regional Act than under ESA (IDFG 2001).

However, given the current status of the law, choosing amongst and implementing the varying policy themes as they are described in the DEIS is prohibited. BPA cannot adopt any one of the five policy directions in its pure form. As a result, BPA is necessarily forced to mix and match elements of each of the different policy directions, which is precisely what has been done in the past under the "status quo" alternative (also referred to as the "no action" alternative). Hence, the State does not anticipate a major policy shift resulting from finalization of the DEIS. #6

A major criticism of the DEIS is that alternative Policy Directions were artificially constructed by grouping actions according to "themes" to define directions (ES-xvi), rather than by first defining goals/objectives and then selecting actions to achieve them. The comparisons of relative effectiveness of Policy Directions are also questionable or premature, because the actions and intensity of the actions are generally not established at this time (ES-xvi). Many of the actions are being formulated through the Provincial Review and the federal ESA implementation plan for the FCRPS. Until the actions and their intensity are better defined, it is unlikely that decision makers can "readily compare effects and likely outcomes/consequences" of the alternative Policy Directions (ES-xxii). #7 #8

The DEIS is only partially successful in grouping actions according to themes as Policy Directions, and we note important inconsistencies and shortcomings in the comparisons. The Policy Directions are Natural Focus, Weak Stock Focus, Sustainable Use Focus, Status Quo, Strong Stock Focus and Commerce Focus (ES-xvi). Actions in the hydrosystem, harvest, habitat and hatchery areas are not necessarily consistent with a theme's title, or the general effects projected. For example, actions grouped under the Weak Stock Focus include a four dam breach, (temporary) harvest restrictions to protect weak stocks and decreased hatchery activities. #9

Some purported "trade-offs" among alternatives are counter-intuitive because the tables fail to show projected response of natural and hatchery anadromous stocks or resident native and non-native fish separately. For example, Table ES-2 shows the effects on anadromous fish would be the same as Status Quo for Natural Focus and Commerce Focus. A footnote then explains there are sharp differences in numbers of hatchery and #10

naturally produced anadromous fish, and native and non-native resident fish. The comparison tables contain seven categories for water habitat (including reservoir habitat) and only three for fish and wildlife combined. It would be appropriate to include more detail about fish and wildlife trade-offs among the alternatives given this is a Fish and Wildlife Implementation Plan. #10

Finally, two general comments concerning the DEIS's data analysis are warranted. First, Idaho noted that several figures were either incomplete or inaccurate. Figures 2.6, 2.10, 2.13 and 2.14 do not show the correct information in relation to Idaho. They misrepresent impacts and status related to fish and wildlife, threatened and endangered species, hydro project impacts and development, transmission lines and water quality. These figures and the affiliated text should be corrected to more accurately portray these subjects in Idaho. These inaccuracies may be indicative of other oversights in the document. We suggest a thorough review of Idaho-related information in the DEIS to ensure it is accurate and representative. Second, Idaho believes that the Plan for Analyzing and Testing Hypotheses (PATH) is one example of a useful process for testing hypotheses. Idaho anticipates that, as more information is gathered and processed, technical analysis will be updated to reflect new knowledge and information. #11 #12 #13

SPECIFIC COMMENTS

Spill. Idaho has expressed concern about the mass spill program in the past. This concern remains about spill as a long-term primary recovery action. The Four Governors' Agreement recognized the importance of spill within the context of improving the riverine character of the mainstem Columbia and Snake Rivers to enhance fish survival (Four Governors' Agreement 2000 p. 8). However, the use of spill should be improved, experiments testing spill benefits should be expanded and the effects to juvenile fish survival should be monitored and evaluated. Spill should also be considered within the context of proposed hydro-dam facilities, such as raised spillway weirs. #14

Resident Fish. BPA's analysis of resident fish problems is inadequate. The problem of introduction of non-native predators and competitors with salmon has not been adequately described. Programs need to be developed to institute measures to reduce or eliminate non-native fish that compete or prey upon salmon. In this regard, carp are not predators or competitors. Reservoir fisheries management, moreover, has not been shown to be a significant problem with survival; reservoir environment is the problem. #15

Hydro – Dam Facilities. There is little mention of the new surface bypass technology, behavioral guidance structures or raised spillway weirs. Such potential modifications should be included in any analysis. #16

Hydro Operations. There appears to be a conflict between Libby Dam operations for the Kootenai River Population of endangered white sturgeon and Libby operations for salmon flow augmentation. IDFG research indicates that flow augmentation for salmon may be producing conditions counterproductive to early (year 1 and 2) rearing for white #17

sturgeon. The negligible benefits of flow augmentation from Libby for anadromous fish are not justified given the negative effect on juvenile white sturgeon.

Flow Augmentation. There is controversy regarding flow augmentation as a strategy to moderate the effect of the FCRPS on fish survival. Idaho reiterates the six elements identified in the Four Governors' Agreement as needed to reduce the controversy in the future. Prior to the FCRPS completion and even after development of the upper Snake River storage projects, Snake River populations were productive under a range of natural runoff and environmental conditions (State of Idaho 2000, IDFG 2001). Idaho has consistently pointed out that flow augmentation cannot recreate more normative river conditions and that incremental flow augmentation is insufficient for recovery. Over the long-term, the region's goal should be to phase out the flow objective approach at dams for spring and summer migrants, as long-term measures are developed to address water velocity and temperature concerns. There is relative survival and spawner-recruit evidence indicating that incremental benefits from flow augmentation and spill can provide a buffer to help moderate risk evident at low flows during the smolt migration (IDFG 2001b). The State would like to take this opportunity to advocate that further evaluation and study be done to document what the benefits of incremental flow augmentation may be before adoption. #17 #18 #19

Risk Assessment. The DEIS summary (ES-i) notes that "[t]he region has sought to stem and even reverse the species decline [of fish and wildlife species listed under the Endangered Species Act]. Unfortunately, after a decade of good intentions, there has been less progress than is necessary to reverse species declines. Here are the most important reasons:

(1) Different groups often have different value judgments about priorities, leading to different (and often conflicting) ideas about what recovery and mitigation should be.

(2) There is no clear scientific answer to the problem.

(3) Conflicting directives and jurisdictions of regional authorities have meant that funds dedicated to the fish and wildlife recovery efforts have often been used less efficiently and effectively than they otherwise could have been.

The summary conclusion indicates that status quo actions have been inadequate to recover listed species. Reasons (1) and (3) are undoubtedly true, especially considering that many actions have been taken to mitigate, rather than change, population limiting factors. However, the above summary conclusion also imposes an unfair burden on science to provide an "answer" to the policy direction questions posed later in the DEIS. A more accurate statement than Reason (2) is found on page 107 of the DEIS, "In fish and wildlife mitigation and recovery efforts, where there are still many biological and political unknowns, it is better to be generally correct than precisely wrong." There is scientific agreement through a decision analysis approach that some options are more #20

robust and likely to lead to recovery with lower risk than other options (Marmorek et al. 1998; NMFS 2000; State of Idaho 2000; Budy 2001). #20

Science has and does use objective information and a basis to test hypotheses and provide probabilities of outcome but does not define risk policy. Actions necessary for fish and wildlife protection in the basin are related less to lack of scientific conclusion (or robustness) and more to conflicting risk policies. Scientific uncertainties include both the relative effectiveness of the options, given alternative hypotheses, and which options are more likely to succeed. The policy questions are thus related to how much potential risk decision makers are willing to take, recognizing that a decision to delay implementing lower risk actions is actually a decision to continue the current risk to the fish and wildlife resources. The DEIS does not address risk policy to meet BPA's obligations to fish and wildlife affected by the FCRPS. Identifying a risk policy for implementation and funding would strengthen BPA's decision-making process to better align implementation with the broad policy direction and allows decision-makers to make a conscience effort to incorporate risk to fish and wildlife into funding policies and decisions. The issue is not whether decision-makers should specifically choose a risk prone approach; the issue is that they should be objectively aware of the associated potential risk of any of the Policy Directions and use a scientific approach to determine the effects of an informed decision. This requires BPA use an adaptive management approach in funding its fish and wildlife program. We urge BPA to include this premise as an alternative within the DEIS and within the governance sections. #21 #22

Associated Environmental Effects, Chapter 5, 5.1.2 p. 152. The example of breaching a dam (p. 152) is intended to show that a given implementation action may have an effect of limiting the potential for other actions, but is misleading if applied to removal of mainstem lower Snake dams, which is currently the primary dam removal option being considered (NMFS 2000). The *intended* option is to support improved habitat for fish. The example states "the *associated* outcome, however, is that the dam can no longer be used to control operations of the river: a hydro system option has been eliminated." This statement is misleading if meant to apply to mainstem lower Snake projects, which have little active storage and are not used to alter river flow volumes. If BPA is not referring to mainstem dams (which will be the common perception), it should clearly state this in the final document or replace this example with one reflecting a more realistic potential trade-off. #23

Other Comments, Chapter 2, p. 56. The DEIS discusses costs related to the fish and wildlife program. These costs, detailed on pages 56-60, are not provided within the context of the income or proportion of total revenue and obligations of BPA. Therefore, we believe this information and discussion of the costs of the fish and wildlife program and its relatively recent increases in expenses due to direct costs and system operation costs are without merit. We recommend this section be revised with the appropriate information related to BPA revenues, income, and budget coinciding with Fish and Wildlife expenses and costs. #24

Chapter 2, Discussion, p. 70. The DEIS specifies that the Idaho Office of Species Conservation (OSC) was created to work on subbasin planning and coordinate efforts on natural resource issues. The legislation establishing the Office of Species Conservation states the office shall oversee implementation of federal recovery plans, coordinate state departments and divisions related to endangered, threatened, and petitioned species, provide input and comment related to endangered species and provide an ombudsman for the citizens of Idaho harmed or hindered by regulations related to ESA. These responsibilities should be reflected in the DEIS. #25

The OSC functions as a coordinating agency for subbasin planning in Idaho. In Idaho, action agencies include state agencies with implementation authorities, Tribes and local governments.

The IDFG also has a large and active wildlife mitigation program funded through BPA and approved by recommendation of the Northwest Power Planning Council. The State supports the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program. Documents outlining wildlife impacts and the goals and objectives of the Idaho mitigation program include: The Idaho Department of Fish and Game Policy Plan and Strategic Plan. Please make changes to the DEIS to reflect this and the importance of the federal hydro wildlife mitigation program. #26

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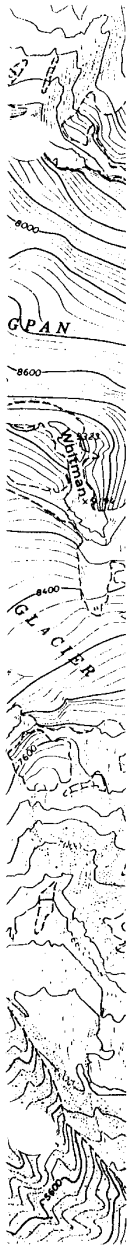

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PUBLIC INVOLVEMENT
LOG#: FWIP-045
RECEIPT DATE:
AUG 13 2001

August 8, 2001

Mr. Charles Alton
Bonneville Power Administration
P.O. Box 3621
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THE MOUNTAINEERS
Founded in 1906 to Explore, Study, Preserve, and Enjoy the Natural Beauty of the Outdoors

Re: Fish and Wildlife Implementation Plan-DEIS

Dear Mr. Alton:

The Mountaineers is one of the oldest and one of the largest conservation and recreation organizations in the Northwest, with about 15,000 members. We have been involved in issues involving wildlife, fisheries, and power generation for many years and have previously submitted comments on BPA programs and fish and wildlife programs. We appreciate the opportunity to comment on the Proposed Fish and Wildlife Implementation Plan.

The DEIS points out that there are many key regional issues that are involved in the implementation plan, including habitat, fisheries resources, wildlife, hydro projects, transportation, navigation, agriculture, land use planning, hatcheries, and commercial fisheries. Any plan that will be adapted will cause pain and curtailment for some of those resources. However, it is clear that the status quo policy direction is in violation of numerous state and federal laws and does not comply with the wishes of many segments of the public. #1

The Natural Focus policy direction emphasizes protection of areas considered pristine, especially those areas untouched by previous human development. High value is placed on ecosystems that function without human interference, whatever species they maintain.

For ecosystems already altered by human activities, efforts would focus on minimizing further degradation, and restoration would emphasize regeneration through natural processes. This policy differs from the current implementation action in that it restores habitat, emphasizes passive techniques, decreases harvest, discontinues hatcheries, removes six dams on the Columbia River, decreases some commercial activity, and allows tribal harvest of healthy fish and wildlife populations. Protection of pristine ecosystems is the most effective way to protect fisheries and wildlife. It is much cheaper and more effective to maintain existing functioning ecosystems than to restore degraded ecosystems. #2

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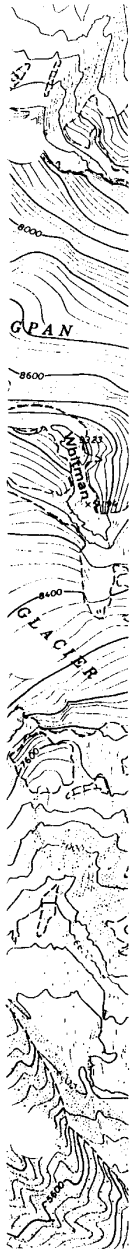

The Mountaineers supports many aspects of this policy direction. However, there are other programs from other policy directions which we also support. The Weak Stock policy direction would decrease commercial activity that affect weak stocks and use selected techniques for harvesting by tribes to assist weak stocks. It would also decrease commercial fisheries harvest. We support those proposals. #3

The Strong Stock policy direction asserts that there are inadequate resources to protect all the fisheries species, and therefore activities and funds should be concentrated on maintaining viable stocks and ecosystems to avoid broader collapse of fish and wildlife populations. We disagree with many implementation aspects of this program, such as decreasing restrictions on hydro operations, increasing commercial activity, and increasing harvesting while maintaining strong stocks. All of those implementation actions are ones that we oppose. However, we believe that the policy is correct in emphasizing protection first of the ecosystems and fisheries stocks which are in the best condition and can be preserved and protected with the least amount of effort and funds. In other words, assign limited resources first to those runs that have the best chance of maintenance and recovery and the ecosystems which are best able to sustain those runs. After those ecosystems and runs are maintained, then move down the chain to other runs and other ecosystems which have more problems and will take more effort and more funding to restore. This means, for example, that in the state of Washington priority would be given to protecting the Skagit, Stillaguamish, and the Skykomish rivers, their watersheds, and the healthy fisheries runs in those rivers, together with certain rivers in the Olympic Peninsula which flow from Olympic National Park and likewise have healthy fish runs. Spending large amounts of resources to protect rivers in urban areas such as the City of Seattle is much less cost effective in protecting habitat and fisheries and wildlife resources. #4 #5

Table ES2 points out that the Natural Focus Alternative is by far the best alternative in terms of protecting and improving the natural environment. However, it would have adverse impacts on commerce and federal and state costs and funding. For these reasons it is likely that the policy cannot be fully implemented. However, we believe that this is the overall direction to go in terms of BPA policy. #6

The DEIS points out at page 55 the many problems associated with existing water policy. Most waters in the Pacific Northwest are over appropriated. Most waters fail to meet total maximum daily load levels for water quality established by the EPA. #7

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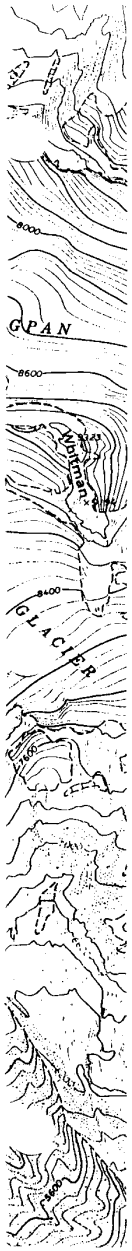

Most rivers and streams have inadequate instream flows to protect fisheries runs. Washington includes in-stream flows for fish and wildlife as a statutory beneficial use. Other states such as Idaho do not. The doctrine of prior appropriation of water rights, which has been in force for more than 100 years, creates massive misallocation of water resources and leaves those with the earliest recognized water rights largely in control of how that water will be used. (55) As a result, there is massive waste and inefficient use of water resources by some users, and inadequate resources for lower level water users and for in-stream flows. #7

Nine federal agencies have joined in the Federal Caucus and have adopted a series of goals for a basin wide strategy. These goals include:

Conserve species.
Conserve ecosystems.
Balance the needs of other species.
Protect tribal rights.
Minimize adverse affect on humans.

We support these goals but recognize that there are conflicts among these various goals. One of the biological objectives of the Federal Caucus is to halt declining population trends within 10 years. (64) To reach this objective will require substantial change from existing policies and changes in commercial fishing, hatcheries production, protection of natural ecosystems, improvement of in-stream flows, and improvement of water quality, especially protection from non point pollution. In fact, National Marine Fisheries Service has concluded that proposed federal operations are likely to jeopardize the continued existence of 8 of the 12 endangered species units (the Jeopardy Assessment). #8 #9

The Governors of the four Northwest states have also released a statement outlining their preferred strategy for recovery efforts. Their recommendations include designation of priority watersheds for salmon and steelhead, use of more selective fishing techniques, a license buy back program, restrictions of harvest rates, gear, and timing for commercial and non treaty sports fisheries, hatchery reform, and increased funding for activities designed to improve ecosystem health and fish and wildlife health protection. (68-69) The Mountaineers supports all of those recommendations. #10

The need for concerted and energetic action is documented by the poor condition of waters in the state of Washington. A 1992 survey of Washington Rivers classified

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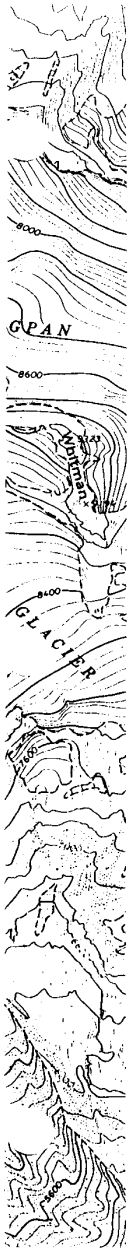

54% of them as not supporting designated beneficial uses because of various types of pollution and degradation. (77) The Columbia River and its tributaries do not meet clean water standards, and the degraded condition is directly related to declining fish populations throughout the basin. (77) Vigorous proactive measures are needed to restore water quality throughout the state of Washington. #11

Native salmon and steelhead and many resident fish species are in decline throughout the Columbia River basin. Eight out of twelve salmon and steelhead ESU are threatened or endangered. A large part of this is because of impoundments behind dams on the Columbia. (79-80) The widespread removal of large woody debris, and increased sedimentation from logging, agriculture, and other uses has reduced the structural diversity of in stream habitats necessary for fisheries. A long history of mining, logging, and grazing has badly degraded substantial portions of rivers east of the Cascades. (82) #12

Further, estuary conditions have also been substantially affected, and many wetlands along the shores and inner tidal marshes and swamps have been converted to other uses since 1948. Dam construction has impacted seasonal patterns and volumes of discharge into the estuaries, and drudging has also impacted estuaries. (82) As a result of development and the impacts of agriculture, forestry, mining, and other activities, many stocks of fish and wildlife are already in serious condition. (100) #13

We also agree with the Natural Focus implementation action to decrease harvest. Many ESU's are dangerously below sustainable levels. Restoration of habitat is not enough when the current ESU's are further endangered by continued harvesting. Actions by federal agencies to curtail harvesting of commercial fisheries on the East Coast have shown that fisheries can come back if harvesting is curtailed for a period of years. Once the fisheries resources return to sustainable levels, then increased harvesting can gradually be reintroduced, subject to careful monitoring and evaluation. #14 #15

We also concur with the recommendation that hatcheries be curtailed and in some instances discontinued. There is substantial evidence that hatchery runs are crowding out natural runs and severely impacting natural runs through disease. In many cases hatcheries are located on prime fisheries streams, but the streams above the hatcheries are closed to natural fish runs. In this way the hatcheries close off prime habitat for natural fish runs. Many hatchery managers are still driven by the old policy of pumping out the maximum number of fish, regardless the impact on wild fish stocks or the habitat or sustainability of the overall fisheries resource. #16

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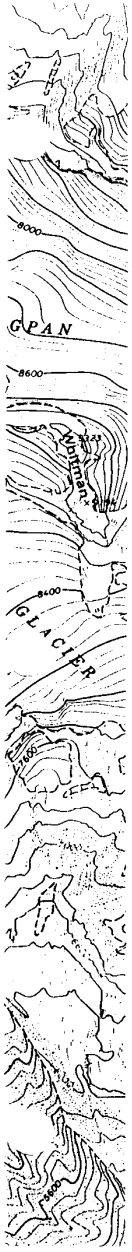

Curtailment of hatcheries will have an impact on commercial fisheries and on the tribes, and these economic impacts should be recognized and appropriate adjustments made. We recognize the important treaty rights of tribes to their "natural and accustomed" fisheries resources, but these treaty rights should not require continued hatcheries policies and other policies which will drive natural fish runs into extinction.

The Mountaineers has previously supported removal of the four lower dams on the Snake River. Breaching of the dams is the best way to insure restoration of the Columbia River ecosystem and the return of healthy fish runs. Breaching of the four dams would have an impact on power supply that would cost some economic dislocation. However, these dams provide less than 5% of the energy for the region, and customers most affected would see the power bills increase by only $1-3 per month. The amount of power that would be lost as a result of breaching those dams is not significant when considered in the context of the greatly increased amount of power demand, which will come from growth in the next 20 or 30 years. The BPA and this region must recognize that additional sources of power must be developed and that energy conservation must be greatly increased, regardless of what happens to the four dams on the Snake. Only 13 farms would be affected by removal of the four dams, and they could continue to get irrigation water by extending the pipes to river levels and adding a booster pump. #17

The Mountaineers supports implementation of the various tribes' treaty rights. However, those rights can and should be implemented in a way that do not jeopardize continued health of endangered fisheries runs. For example, putting nets across the mouth of a river and capturing almost an entire run of endangered fisheries is not an appropriate harvest technique. The tribes can harvest endangered runs by spearing, hook and line, hand nets, and other traditional techniques which do not endanger entire runs. #18

Although the Mountaineers disagrees with many of the implementation actions of the Strong Stock policy, we do concur that there is merit on focusing on viable stocks and ecosystems to avoid a broader collapse of fish and wildlife populations. (114) We also concur that protecting endangered species can be accomplished in part by using economic incentives to promote conservation. (115) Most rivers and streams flow through private property during some part of their journey. Providing incentives to private property owners, such as by providing grants to fence off streams, is an excellent idea. Requiring private property owners to incur enormous #19

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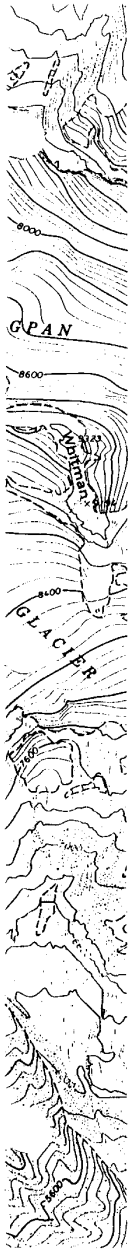

expense to protect fisheries resources, which are public resources and of no direct economic benefit to the private property owner, naturally results in antagonism. #19

The DEIS points out at 122 that the Natural Focus policy direction may significantly change social and economic patterns and may be perceived as an extreme position. The Mountaineers agrees that the Northwest cannot be returned to the condition that it was in 1850. However, we do feel that attempting to protect existing natural ecosystems has great merit and should be a strong leg of any policy that is eventually adopted. #20 BPA asserts that this policy would dramatically reduce its role as a major contributor to electric power in the region and would impact its ability to contribute to fish and wildlife recovery efforts. However, the BPA and other power agencies are going to have to look at alternative energy sources for the future in any event, because the future increased demand will outstrip the ability of the dams on the Columbia system to produce the required power. Therefore, development of alternative sources of energy and a strong energy conservation program are essential in any event for the economic health of the region. #21

We recognize that these ideas may be controversial and that there may be strong opposition to implementation of this policy direction. However, we believe that there are important public policy issues involved, and we look forward to seeing these issues addressed in the final DEIS.

Sincerely,

The Mountaineers

Edward M. Henderson, Jr.
President

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