Appendix AA Letter from the U.S. Fish and Wildlife Service

United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE. 11th Avenue
Portland, Oregon 97232-4181

IN REPLY REFER TO:

Stephen J. Wright
Administrator
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Dear Mr. Wright:

This responds to your letter of March 21, 2003 to former Regional Director Anne Badgley, regarding the Bonneville Power Administration's (BPA) proposed 500 kilovolt transmission line across the Cedar River watershed in King County, Washington. Per the request in your letter, the U.S. Fish and Wildlife Service (Service) is providing guidance as to the responsibilities of BPA, the City of Seattle (City), and the Service relative to the proposed transmission line, the City's Habitat Conservation Plan (HCP), and the consultation requirement per section 7 of the Endangered Species Act of 1973, as amended (Act).

The BPA has been involved in negotiations with the City for the last year with the goal of acquiring a right-of-way (ROW) across the Cedar River watershed for the proposed transmission line, known as the Kangley-Echo Lake Transmission Line. Almost the entire upper Cedar River watershed is conserved under a long-term HCP agreement between the City, National Oceanic and Atmospheric Administration Fisheries, and the Service under section 10 of the Act. Additionally, this watershed provides two-thirds of the public drinking water for the City. The protection of the watershed and the City's water source is held in high regard by the citizens of Seattle. The City is concerned that the construction and operation of the proposed transmission line project could affect the integrity of their HCP and negatively affect the quality of the City's water supply. Both you and the City are seeking assurances from the Service that if this project is constructed and operated, as currently proposed (including mitigation), that the City's HCP would remain intact.

A 50-year Incidental Take Permit was issued to the City for this HCP in April 2000. The HCP includes: 1) protection and restoration of the upper Cedar River watershed; 2) water diversions from the Cedar River subject to an Instream Flow Agreement and fish passage requirements; and 3) the off-site acquisition of riparian lands along the Cedar River. A critical component of the HCP that garnered much public support and the support of the Service was the City's

commitment to cease all commercial timber harvesting within their 90,000-acre upper Cedar River watershed ownership.

As part of section 7 consultation between BPA and the Service, the northern spotted owl (*Strix occidentalis caurina*; "spotted owl"), a federally-listed threatened species, was determined to likely be adversely affected by the proposed action. Critical components of the proposed action, the compensation measures, are still subject to the City's and BPA's ROW negotiations. As such, details of these compensation measures have not been finalized. BPA is proposing land acquisition and permanent protection of lands adjacent to the Cedar River watershed.

These lands (approximately 473 acres) would be provided as replacement for biological resources and functions degraded as a result of 90 acres of mature forest lands in the Cedar River watershed that would be cleared or otherwise impacted by the proposed BPA action. Forest clearing for the new ROW corridor for the power line would increase the width of the existing 150-foot ROW to 300 feet or more. No habitat value for spotted owls would remain within this cleared area, and the clearing would increase fragmentation of spotted owl habitat, with an associated increase in the threat of predation to dispersing spotted owls. However, presently, no owls have been detected in the proposed action area.

Nevertheless, BPA should be commended for committing to substantial measures that reduce and compensate for potential adverse effects of the proposed action. These measures include:

> constructing the proposed power line adjacent to an existing line, minimizing the need for new access road construction;
>
> using helicopters during construction and "micropile" footings for towers within the watershed, to minimize ground disturbance activities and to address water quality concerns;
>
> using a double-circuit span over the Cedar River, and designing these two towers such that the need to clear trees within 700 feet of either side of the river is minimized;
>
> purchasing and permanently protecting with conservation easements a minimum of 473 acres of forest lands immediately adjacent to the Cedar River watershed, as compensation for potential project effects.

Some of the parcels being purchased for protection have been subject to harvest within the last few decades. We anticipate that compensation through conservation in perpetuity of these parcels would protect these forest lands from future development and logging pressures, and

would improve long-term connectivity for a variety of wildlife species. If the City agrees to accept the BPA measures mentioned above, and would manage the compensation lands in the philosophy and spirit of the HCP, then we could concur that the City's HCP would not be adversely affected by implementation of the proposed Kangley-Echo Lake Transmission Line project.

If you have any questions please contact Ken Berg, Manager, Western Washington Fish and Wildlife Office at (360) 753-9440.

Sincerely,

Regional Director

cc:
City of Seattle (Chuck Clarke)
NOAA Fisheries, Lacey (S. Landino)
WWFWO, Lacey (K. Berg)

Bonneville Power Administration

PO Box 3621 Portland, Oregon 97208-3621

DOE/BP-3431 JUNE 2003 370