



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
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Lacey, Washington 98503

In Reply Refer To:
13410-2007-I-0650

Ms. Stacy Mason
KEC-4 Mason
U.S. Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Dear Ms. Mason:

Subject: Port Angeles-Juan de Fuca Transmission Project, Endangered Species Act Consultation

Your September 24, 2007, letter requested our concurrence with your determination of "may affect, not likely to adversely affect" for the bull trout (*Salvelinus confluentus*), marbled murrelet (*Brachyramphus marmoratus*), brown pelican (*Pelecanus occidentalis*), and bull trout critical habitat for the installation of a ± 150 kilovolt direct-current transmission line cable from Victoria, British Columbia, Canada, to Port Angeles, Clallam County, Washington. Your letter and Biological Assessment were received in our office on September 28, 2007. We requested additional information on October 9 and 22, 2007, which was received on October 15 and November 5, 2007, respectively. This informal consultation has been conducted in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The applicant, Seabreeze Olympic Converter, LP, proposes to install a 32-mile-long electrical transmission line across the Strait of Juan de Fuca between Port Angeles Harbor, and Victoria, British Columbia. The transmission line will be installed from the converter station in the city of Port Angeles to the marine waters of Port Angeles Harbor via Horizontal Directional Drilling (HDD), with a cable installed in marine waters (10 miles) and land (2 miles) within U.S.



jurisdiction. Installation of the cable at Port Angeles using HDD would occur continuously (24 hours/day) for approximately 32 days. The drilling hole would be excavated below ground from land in a waterward direction. Placement of the marine portion of the cable will occur via use of a cable-laying vessel that is expected to operate continuously (24 hours/day) for two to three weeks. Where substrate conditions permit, a submarine plow and hydrojetting will be used to excavate a trench in which the transmission line will be buried from 4 to 12 feet below the surface of the substrate. In rocky areas or where substrate conditions otherwise preclude trenching, the cable will be laid on the surface of the substrate and may be covered with concrete mattresses to protect the transmission line from snagging (i.e., from anchors) or other disturbances.

Based on the information provided in your letter, Memorandum for the Services, Biological Evaluation, and addenda, we have concluded that effects to the federally listed bull trout, marbled murrelet, brown pelican, and bull trout critical habitat associated with the proposed action would be insignificant and discountable. Therefore, we concur with your “may affect, not likely to adversely affect” determination for these resources. Specifically, our concurrence is based on the following rationale.

Bull Trout

- The proposed work will occur during the recommended work window of July 16 to February 15 when bull trout and juvenile salmonids, prey species of bull trout, are not likely to be present in the project area or exposed to potential impacts from the project construction. Therefore, direct effects to bull trout and juvenile salmonids from the proposed construction are expected to be discountable.
- The proposed action is located near a documented and/or potential forage fish spawning area; however, the anticipated effects of the proposed action to this spawning area would be small, because generation of sediment is expected to be limited to areas well waterward of any spawning areas for forage fish. Consequently, effects to spawning forage fish effects to bull trout via reduced forage fish abundance are not expected to be measurable.

Marbled Murrelets

- No pile driving or other similar activities that would produce sound pressure levels that may kill or injure marbled murrelets would occur as a result of the project. Although marbled murrelets may be present in the action area during the proposed action, the duration of disturbance and sound pressure levels generated are not expected to measurably affect the ability of marbled murrelets to forage. Therefore, effects to foraging marbled murrelets are expected to be insignificant.

- The proposed action would not occur during the spawning period for forage species of marbled murrelets or interfere with the ability of these species to spawn in the future. Therefore, indirect effects to marbled murrelets via their prey are expected to be insignificant.

Brown Pelicans

- Although brown pelicans may access or travel through the action area during the proposed activities, the duration of disturbance and sound levels that would be generated are not expected to measurably affect the ability of brown pelicans to forage or otherwise interfere with their activities. Therefore, effects to brown pelicans are expected to be insignificant.

All Listed Species

- Forage fish, prey resources for listed species, may be in the action area during and after construction and may be exposed to potential construction, maintenance, and operation impacts from the proposed action. However, impacts from sediment generation, elevated underwater and overwater sound levels from boat operation, or appreciable temperature effects from the submerged transmission line are not expected to result in measurable effects to prey species. Therefore, direct effects to listed species and indirect effects via their prey species from project construction are expected to be insignificant.
- The proposed action will not result in significant long-term impacts to habitat for listed species in the project area, due to the inclusion of habitat impact minimization measures in the project design. These minimization measures include, but are not limited to, avoidance of shoreline areas in the project area through use of HDD for transmission line placement.

Bull Trout Critical Habitat

The final rule designating bull trout critical habitat (70 FR 56212 [September 26, 2005]) identifies eight Primary Constituent Elements (PCEs) essential for the conservation of the species. Of the eight bull trout critical habitat PCEs described in the Designation of Critical Habitat for the Bull Trout (Final Rule), four PCEs are present in the project area. We have examined the anticipated effects of the proposed action on the PCEs below.

PCE #1: Water temperatures that support bull trout use. The proposed action will affect water temperatures in the action area, with outer surfaces of the unburied and uncovered segments of the transmission line reaching as high as 60° C (140° F); however, the increase in temperature is expected to be localized and rapidly dissipated by the current and ambient water temperatures in the surrounding portions of the action area in the Strait of Juan de Fuca. Consequently, impacts from increased water temperatures are not expected to appreciably degrade this PCE.

PCE #6: Migratory corridors with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and foraging habitats, including intermittent or seasonal barriers induced by high water temperatures or low flows. The proposed action may affect this PCE via increases in water temperature as described above; however, areas with elevated temperatures are expected to be limited in length and would not be located in close proximity to the shoreline. Additionally, HDD will be used to site the cable underground to avoid sensitive shoreline habitat. Consequently, the proposed action is not expected to appreciably impede movement or migration of bull trout through the action area.

PCE #7: An abundant food base including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish. The proposed action would not result in the removal of riparian vegetation, nor is it expected to measurably affect prey species of bull trout, as described above. Consequently, the proposed action is not expected to appreciably affect the food base of bull trout.

PCE #8: Permanent water of sufficient quantity and quality such that normal reproduction, growth, and survival are not inhibited. The proposed action may result in localized elevated water temperatures and sediment generation during trench excavation and/or transmission line placement. However, the effects from elevated water temperatures are expected to be highly localized and attenuated rapidly by currents in the Strait of Juan de Fuca, and suspension of sediments is expected to be of very short duration with no appreciable short-term or long-term impacts to bull trout critical habitat. Consequently, the proposed action is not expected to appreciably affect the water quality or quantity in the action area.

This concludes informal consultation pursuant to the regulations implementing the Act. This project should be reanalyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation. The project should also be reanalyzed if the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this consultation, and/or a new species is listed or critical habitat is designated that may be affected by this project.

Additionally, the following recommendation is provided to assist you in meeting your obligation, under sections 7(a)(1) and 2(c) of the Act, to use your authorities to promote the conservation of listed species and their habitats.

- The waterward end of the HDD excavation should be re-sited, if possible, to avoid damaging impacts to existing kelp beds. If the existing waterward HDD exit site will be retained in the design, a suitable mitigation plan should be completed prior to initiation of construction activities.
- Additional measures should be considered and implemented to reduce temperature extremes (i.e., up to 60° C) in the water column and substrate in areas where the transmission line remains exposed on the substrate. Such measures may include, but are not limited to, additional insulation to significantly reduce extreme temperature effects to the sessile community existing in these localized areas.

If you have any questions about this letter or our joint responsibilities under the Act, please contact Karen Myers at (360) 753-9098 or Tom McDowell at (360) 753-9426, of this office.

Sincerely,

/s/ 11/21/2007 John Grettenberger

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

cc:
WDFW, Region 6
WDOE, Lacey, WA (L. Ochoa)