



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

September 24, 2003

Governor Theodore R. Kulongoski
160 State Capitol
900 Court Street
Salem, OR 97301-4047

Dear Governor Kulongoski,

On June 2nd, Judge James Redden remanded the NOAA Fisheries 2000 Biological Opinion (BiOp) for the Federal Columbia River Power System to resolve, in part, two deficiencies: reliance on federal mitigation actions that have not undergone section 7 consultation under the Endangered Species Act (ESA); and reliance on non-federal actions that are not reasonably certain to occur. Steps to address the first deficiency, defining federal commitments, are underway.

In order to address the second deficiency, and consistent with the recommendations in the Four Governors document issued this past June, we would like to work closely with you to collect and evaluate information on non-federal habitat and hatchery actions impacting listed species. This evaluation would cover actions currently being implemented as well as those reasonably certain to occur in the future. By law, NOAA must consider both actions that may be beneficial and those that may have an adverse impact on listed species.

NOAA Fisheries is currently developing criteria - both biological and legal - and a format for collecting the needed information. We would like to discuss our definition of "reasonably certain to occur" and an approach to gathering this information in October. Meanwhile, please identify an appropriate, key technical contact from your organization to work with us. I would appreciate your providing this contact name, phone number and e-mail to Katherine Cheney, Caucus Outreach Coordinator, by October 10, 2003. (She can be reached at 503-230-3473, or kacheney@bpa.gov)

I understand there is some sensitivity about how this effort will impact sub-basin planning, and I am well advised, again through the statement by the Four Governors this past June, that this process has support within the region. We fully support sub-basin planning. I understand that many of the same people would be working on both efforts, and I am committed to minimize the workload for those who are engaged in sub-basin planning. I will continue to work closely with the Regional Coordination Group to address these issues. I look forward to working with you and appreciate your continued support and help with this critical effort. I believe that this evaluation will be of interest to all those involved in fish and wildlife recovery efforts, and I look forward to sharing the results with you. If you have any questions, please contact Katherine Cheney.

Sincerely,

Rob Walton
Chair, Federal Caucus

Cc: Lindsay Ball

