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State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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May 24, 2000

Mr. Keith Klein
Richland Operations Office
U.S. Department of Energy
Post Office Box 550, MSIN: A5-15
Richland, Washington 99352

Mr. Doug Sherwood
U.S. Environmental Protection Agency
712 Swift Boulevard, Suite 5
Richland, Washington 99352

Mr. Michael Wilson
Washington Department of Ecology
Post Office Box 47600
Olympia, Washington 98504

RECEIVED
MAY 19 2000

EDMC

Dear Messrs. Klein, Sherwood, and Wilson:

Subject: Endangered Species actions that warrant formal consideration in CERCLA decisions pertaining to Operable Units in the 100, 200, and 300 Areas National Priority List Sites

In 1989 the U.S. Department of Energy (USDOE), U.S. Environmental Protection Agency (EPA), and Washington Department of Ecology, known as the Tri-Parties, formally entered into the Hanford Federal Facility Agreement and Consent Order. The purpose of this consent order is to ensure environmental impacts associated with past and present activities at the Hanford Site are thoroughly investigated and appropriate response action is taken as necessary to protect human health and the environment.

In 1989 no fish species that were known to occur in the Hanford Reach of the Columbia River were being considered for federal listing under the Endangered Species Act (ESA). In the past three years, the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have listed three fish species that occur there. The federal

listings include bull trout (*Salvelinus confluentus*) as threatened, (June 10, 1998), upper Columbia River steelhead (*Oncorhynchus mykiss*) as endangered, (August 18, 1997), and upper Columbia River spring-run chinook (*O. tshawytscha*) as endangered, (March 24, 1999).

Other actions taken by NMFS include issuance of final rules published in the Federal Register defining the term "harm" (effective December 8, 1999) and designating "critical habitat" of 19 evolutionarily significant units (effective March 17, 2000), which include critical habitat of upper Columbia River steelhead and spring-run chinook. The final rule on harm defines "harm" to include any act, which actually kills or injures fish or wildlife, and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. The rule went on to identify potential activities that may constitute a "take" as defined under ESA under the definition of "harm." Potential activities include: a) discharging pollutants, such as oil, toxic chemicals, radioactivity, carcinogens, mutagens, teratogens . . . into a listed species habitat and b) removing, poisoning, or contaminating plants, fish, wildlife, or other biota required by the listed species for feeding, sheltering, or other essential behavioral patterns. Critical habitat designated for upper Columbia River steelhead and spring-run chinook salmon includes the Hanford Reach of the Columbia River. The National Contingency Plan states, "environmental evaluations shall be performed to assess threats to the environment, especially sensitive habitats and critical habitats of species protected under the ESA."

These federal listings and final rules must be considered in federal remedial actions taken by the Tri-Parties. Hazardous substances are being released to the Columbia River. They include tritium, strontium-90, uranium, technetium-99, chromium and nitrate. Evaluations are required to assess potential impacts to federally listed species at the individual level and to biota that they feed upon.

The NMFS' final rules must be considered in the comprehensive 5-year review of Record of Decisions and remedial investigation/feasibility study actions now in progress and to be initiated that may potentially impact these listed species or their critical habitat. Washington Department of Fish and Wildlife (WDFW) wants to insure that EPA and USDOE have consulted USFWS and NMFS on remedial actions potentially affecting federally listed species. Any investigations to assess impacts to these federally listed species should be coordinated with our agency and the other Hanford Natural Resource Trustees.

The Washington Department of Fish and Wildlife also wants to insure that the EPA and USDOE seek biological contaminant expertise from the USFWS, U.S. Geological Service National Biological Division, National Oceanic Atmospheric Administration and NMFS in all evaluations pertaining to these listed species and during the comprehensive 5-year review. These agencies should already be present on a Hanford Site Biological

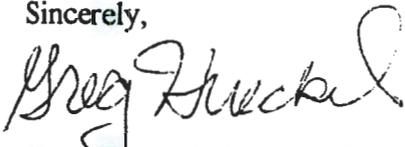
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Technical Assistance Group. If this group has not been established, we strongly encourage you to do so as soon as possible.

We would appreciate a schedule of the Comprehensive 5-year review and an opportunity to provide input into the process to ensure that ground water RODs, such as 300-FF-5, commit to evaluating impacts of contaminants to federally listed species or their prey.

You may contact Jay McConnaughey at (509) 736-3095 or Lauri Vigue at (360) 902-2423 regarding these matters.

Sincerely,



Greg Haeckel, Assistant Director
Habitat Program

GH:JM:kam

cc: Bill Richardson, USDOE
Steve Landino, NMFS
Gerry Jackson, USFWS
Hanford Natural Resource Trustee Council
Susan Hughs, Chair
Hanford Advisory Board
Merilyn Reeves, Chair
Administrative Records
100 Area
200 Area
300 Area