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**Subject:** Coeur d' Alene Tribe Letter to Ecology  
**Date:** Tuesday, April 5, 2022 10:37:52 AM  
**Attachments:** [Ecology Letter Signed April 5.pdf](#)

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RE: 401 Certifications #WA0026867 & #WA0026891

Director Watson,

The Coeur d'Alene Tribe has been working for years to restore anadromous fish back to the blocked habitats upstream of Chief Joseph and Grand Coulee dams. We strongly encourage the State of Washington Department of Ecology to consider this effort as a requirement for 401 certification at these federal projects. Please refer to the attached letter from Chairman Allan for specifics regarding this request, and please do not hesitate to reach out to our staff and outside legal counsel to discuss this issue further. Our respective agencies and governments have similar goals for recovery and protection of the Inland Northwest waterways, and we believe we can help to achieve these goals moving forward.

An official hard copy of this letter has been sent for your records.

Thank you for your consideration,

*Thomas Biladeau*  
*Coeur d'Alene Tribe Fisheries*  
*Anadromous Project Lead*  
*(208)686-6307*

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## COEUR D'ALENE TRIBE

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March 30, 2022

Director Laura Watson  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**RE: 401 Certifications #WA0026867 & #WA0026891**

Dear Director Watson:

This letter is sent on behalf of the Coeur d'Alene Tribe regarding the Washington Department of Ecology ("Ecology") 401 Certifications #WA0026867 & #WA0026891. The Coeur d'Alene Tribe strongly urges Ecology to consider fish passage as a requirement for 401 certifications at Chief Joseph Dam and Grand Coulee Dam.

The State of Washington is in a unique position to assist with the restoration of anadromous fish upstream of these two federal projects, at a time when there is overwhelming support for this initiative. However, the Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration have been hesitant to move forward in support of these efforts, claiming the authority does not exist for fish passage. Incorporating fish passage as a condition of the 401 Certifications will resolve the matter of authority. This will, in turn, allow agencies in support of reintroduction, such as the Tribes and the State of Washington, to focus limited resources on moving forward to recover anadromous fish in the blocked area of the Upper Columbia River in a meaningful and timely manner.

As you are well aware, the Coeur d'Alene Tribe, along with our partners are embarking on an opportunity to restore anadromous fish into the historic habitats upstream of these two federal projects. We have followed a framework for reintroduction that is within the scope of the Northwest Power Act (1980) and the associated Fish & Wildlife Program (2014 and 2020). This has largely been a tribally-lead effort, although the State of Washington has contributed significantly and continues to be an important supporting partner.

The Tribe is beginning to implement the second phase of reintroduction, where baseline data is gathered and the design and testing of passage systems are to be implemented. However, the roadblocks presented by the Army Corp of Engineers and Bureau of Reclamation, and their unwillingness to address them, will severely limit our ability to move forward. This is all at the detriment of the communities residing upstream of these projects, and the immeasurable benefits that would be granted to all who rely on salmon downstream, including the Southern Resident orcas of Puget Sound.

The Coeur d'Alene Tribe has relied upon runs of anadromous fish for sustenance, and as a significant part of our culture since time immemorial. The Columbia River and its tributaries are

an artery for our very existence. Prior to the construction of these dams, the river provided food sovereignty to our people through salmon harvest. Salmon also supported ecosystem health in our respective lands by maintaining water quality in the local rivers and streams. The marine-derived nutrients salmon accumulated and subsequently passed to freshwater and riparian ecosystems provided enormous health benefits to the local ecosystems, including the flora and fauna that reside within. The loss of those nutrients upstream of Chief Joseph and Grand Coulee Dams have resulted in a significant loss in water quality and the destruction of food web dynamics that salmon, as a keystone species, historically supported.<sup>1</sup> Resorting these fish in the Upper Columbia River is the only way to address these water quality impacts.

Because Chief Joseph and Grand Coulee dam have never addressed fish passage, the Upper Columbia River no longer provides the broad array of “beneficial uses” associated with Salmon that migrate upstream to the Tribe or the other residing communities upstream of Grand Coulee Dam. However, with recent developments in fish passage technologies and the continued research and development in this field, the Coeur d’Alene Tribe believes those beneficial uses can be restored, all while maintaining the current benefits of power production, flood risk management and irrigation that Chief Joseph and Grand Coulee Dam were intended for.

Requiring fish passage is well within the 401 authority of Ecology. States have used section 401 authority to require fish passage, changes in flow regime, and other changes in the operation of hydroelectric dams to ensure compliance with water quality standards and to protect and restore fish populations.<sup>2</sup>

We stand at the precipice of one of the single largest salmon recovery initiatives in the Columbia River Basin at a time when salmon runs and the ecosystems that rely on them are unraveling in front of us. Please join the Coeur d’Alene Tribe in addressing the environmental injustices that have been committed to our people and to the natural environment. Without a coordinated and unified front, this anadromous fish recovery initiative will unlikely be realized within the short window of time that is afforded to us. Please, do not hesitate to reach out to our staff to discuss this issue further.

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<sup>1</sup> Naiman et al. (2012), Janetski et al. (2009), Pieters et al. (2003), Stockner (2003), Naiman et al. (2002), Gende et al. (2002)

<sup>2</sup> See, e.g., *American Rivers v. FERC*, 129 F.3d 99, 103-04 n.3 (2d Cir. 1997) (three licensings for projects in Vermont where the state issued section 401 certifications with conditions relating to fish passage and minimum flows below dams).

The Coeur d'Alene Tribe respects our current relationship with Ecology and our synonymous approach to improving water quality throughout the region. We hope to grow this relationship soon and move toward a time where once again, the rivers can provide the life the Creator intended for them.

Sincerely,

A handwritten signature in blue ink that reads "Chief Allan". The signature is cursive and fluid.

Chief Allan  
Coeur d'Alene Tribe Council Chair

cc: Angela Zeigenfuse, Ecology ([azei461@ECY.WA.GOV](mailto:azei461@ECY.WA.GOV))  
Douglas Marconi, Colville Tribes ([Douglas.Marconi@colvilletribes.com](mailto:Douglas.Marconi@colvilletribes.com))

