



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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Filed via email to comments@efsec.wa.gov

Sonia E. Bumpus
EFSEC Executive Director
WA Energy Facility Site Evaluation Council
ATTN: Draft PEIS
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RE: Comments on Draft Programmatic EIS: High-Voltage Transmission Facilities

Dear Ms. Bumpus:

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates the opportunity to comment on the Washington Draft Programmatic Environmental Impact Statement on High-Voltage Transmission Facilities (PEIS). CRITFC is frustrated with the limited time for review of a lengthy document that is so broad in application and so uncertain in its impact. Many transmission projects in Washington significantly impact tribal resources, making it especially troubling that tribes were not engaged or consulted during the development of the PEIS.

CRITFC is a tribal organization wholly owned and governed by four sovereign treaty tribes: the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon. Formed in 1977, CRITFC ensures the protection and restoration of tribal treaty fishing rights through coordination, technical assistance, and management. For environmental reviews such as this PEIS, CRITFC typically provides significant technical comment. For purposes of these comments, CRITFC supports and incorporates by reference the comments of our member tribes, including the Yakama Nation and CTUIR.

In 2022, CRITFC published its *Energy Vision for the Columbia River Basin* (Energy Vision), outlining how future energy development in the region could harmonize with the protection and restoration of tribal treaty resources, including fish, wildlife, water, and cultural sites. The Energy Vision emphasizes that a clean, reliable, and affordable electricity system can

coexist with the restoration of healthy and harvestable salmon populations and broader ecosystem resilience. CRITFC advocates for a regional energy strategy that integrates renewable energy, storage, demand reduction, and efficiency while minimizing harm to tribal resources and reducing reliance on fossil fuels.¹

A core concern highlighted in the Energy Vision is the siting and expansion of transmission infrastructure. Poorly sited projects have impacted tribal communities, First Foods, and cultural resources.² Recurring vegetation management and construction have damaged ecologically and culturally sensitive areas.³ Section 3.6 of the Energy Vision recommends a comprehensive planning process that prioritizes strategic siting of transmission to avoid these impacts and reduce the need for new infrastructure. Section 3.10 further recommends investments that could reduce the need for transmission lines and prevent further damage to lands and waters significant to tribes. Transmission services should be designed to avoid undermining tribal resource protections and salmon recovery efforts. "Fish protection measures need not be sacrificed to provide transmission stability. Rather transmission services need to be planned and developed in a way that enables salmon protection measures to be implemented at high levels of reliability."⁴

While the PEIS is part of an effort to plan for and strategically site transmission projects in Washington, the comprehensive transmission planning that is needed and called for in our Energy Vision will be lost to programmatic and streamlined project review. The question of *need* for a transmission proposal may be lost in the application for a project that follows the PEIS to identify location. Likewise, while the PEIS repeats ideologies of avoidance and mitigation, it does not incorporate consideration of grid enhancing technologies (GETs) and, in fact, may reduce incentives for developers to consider such technology.

To that end, Washington's Energy Facility Site Evaluation Council (EFSEC) process should have included meaningful tribal consultation and review.⁵ The lack of tribal involvement in this draft PEIS is inconsistent with that requirement. EFSEC is mandated to offer "early and meaningful consultation" with any affected tribe before any policy action is taken that has tribal implications. This consultation must be independent from public comment processes and is intended to identify and address potential impacts to tribal rights, interests, and resources prior to making policy decisions. These impacts could affect cultural sites, sacred places, fisheries, and treaty-reserved areas. Unfortunately, the draft PEIS reflects minimal tribal engagement.

Washington state law further requires environmental review documents to assess direct, indirect, and cumulative impacts on cultural resources and tribal rights. Additionally, the

¹ <https://critfc.org/energy-vision>

² Energy Vision at 23.

³ *Id.* at 98-99.

⁴ *Id.* at 104.

⁵ RCW 43.21C.405(5).

review should identify specific measures to avoid, minimize, or mitigate such impacts.⁶ To adequately complete this review, EFSEC should consult with tribes at all stages of its planning, analysis, and decision-making.

Exemption for Underwater Cables

While the PEIS explicitly exempts undersea cables from its scope, we seek clarification as to whether this exemption also applies to underwater transmission cables placed within freshwater systems, such as rivers. We recommend that the scope of the PEIS explicitly exclude all underwater cables from programmatic review. Unlike overhead transmission lines, each proposed underwater transmission project presents a unique set of site-specific challenges and impacts that cannot be adequately addressed through a generalized, one-size-fits-all framework. Additionally, as a mode of transmission with which EFSEC has limited experience, it is poorly suited for approval under a programmatic framework.

Specifically, the scope of the PEIS should exclude underwater transmission cables that are proposed within ecologically sensitive and culturally significant river systems such as the Columbia River. These waterbodies are vital migratory corridors for treaty fisheries and these cables have the potential to impact important benthic habitat. In addition, installation of these cables could directly conflict with our ongoing efforts to restore cold-water refugia for salmon through sediment dredging, a strategy in response to climate impacts and flow alterations caused by dams. The presence of transmission infrastructure in riverbeds may limit or preclude dredging activities, undermining these restoration goals and posing a direct threat to treaty-protected resources.

Furthermore, EFSEC appears to have little precedent for evaluating long-distance underwater cables. These projects pose unique environmental risks. The effects of electromagnetic fields (EMF) on aquatic and benthic species are not well understood and have received far less independent research compared to terrestrial systems. Thermal impacts from buried or submerged cables are likewise poorly studied and could significantly affect aquatic habitats, especially in river systems already under thermal stress. In the event of failure or damage, underwater cables could introduce catastrophic risks to aquatic ecosystems, including potential chemical leakage, sediment disruption, and long-term habitat degradation—risks that are not comparable to those associated with above-ground infrastructure.

Since the risk of unintended consequences is higher with underwater cables, it is inappropriate to evaluate such projects within a broad programmatic framework. We request that underwater transmission lines be exempted from general, programmatic review and instead such a project should have full, project-specific environmental review.

⁶ RCW 43.20C.405(3)(a-b); WAC 197-11-444.

Relatedly, the PEIS noted that projects may get further site-specific impact review. CRITFC encourages that for projects with the potential for more intensive and/or localized impacts to tribal resources, Washington conduct additional impacts review as well as coordinate with CRITFC and its member tribes. A programmatic approach cannot substitute for detailed, project-specific environmental reviews, especially in cases involving sensitive tribal resources across such a diverse and ecologically complex region. CRITFC is deeply concerned that project developers will assume their (and regulatory agency) obligations to engage meaningfully with tribes have been satisfied through the preparation of the PEIS.

Specific Concerns

In addition to the general concerns outlined above, CRITFC has identified the following specific issues within the Draft PEIS that warrant attention and correction:

Scope and Clarity of the Action Alternative

- Undefined extent of action (Section 1.4): The PEIS does not appear to place an upper limit on the number of transmission projects that could fall under its coverage. It is unclear whether the PEIS assumes full buildout of all possible suitable corridors. Greater specificity is needed regarding the extent of anticipated transmission development.
- Transparency in SEPA Phased Review (Section 1.6.1.2): It is unclear whether there are sideboards or transparency requirements governing when SEPA lead agencies may rely solely on the PEIS for compliance, versus requiring an addendum or a Supplemental EIS. More clarity is needed to ensure adequate tribal consultation opportunities.

Impacts on Fish, Wildlife, and Habitat

- Electromagnetic fields and fish migration (p. 3-302): The limited scientific understanding of electromagnetic field (EMF) impacts on fish migration requires a precautionary approach, particularly for underwater transmission projects (e.g., Verhelst et al. 2025). As noted above, the appropriate and precautionary approach would be to exclude underwater transmission projects of all types from the PEIS.
- Riparian impacts from ROW maintenance (p. 3-306, 3-309): Transmission projects should avoid siting within riparian corridors, and herbicide or chemical use near waterways should be strictly limited. Where unavoidable, mitigation must be robust and net-beneficial. It is also unclear whether transmission-related mitigation projects can fulfill SEPA compliance through the PEIS.
- Infrastructure upgrades and fish passage (p. 3-328 to 3-329): For upgrade/modification projects relying on the PEIS for SEPA compliance, there should be a requirement to remediate existing infrastructure impacts to fish passage. This could be addressed through revisions to mitigation measure Fish-10.
- Clarification of “wetlands” definition: Measures AVOID-2 and AVOID-8 should clarify whether the term “wetlands” encompasses streams and adjacent riparian zones.
- Pre-construction surveys (Wild-2, Veg-2): Survey requirements should explicitly include knowledge and identification of species of unique tribal importance.

- Riparian management planning (Fish-5, Fish-15, Hab-5): The delineation of riparian management zones should be tied to mitigation plans that define requirements for all riparian vegetation impacts.
- Fish passage standards (Fish-10): Standards for maintaining fish passage should be clearly cited (e.g., Barnard et al. 2013) within mitigation measures to ensure consistent and enforceable minimum design expectations.

Impacts on Tribal Cultural Resources

- Narrow focus on NHPA Section 106 compliance (Section 3.15): While Section 106 is addressed, broader tribal concerns, such as cumulative impacts on fish, wildlife, and habitat critical to cultural practices, are not fully integrated into the analysis.
- Tribal access impacts: The impacts to tribal access are reviewed primarily through a recreational lens (Section 3.14), rather than in the context of treaty-reserved rights, which must be distinctly analyzed in Section 3.15.
- Increased recreation in transmission corridors: Greater access for recreation (e.g., OHVs, hunters, anglers) may result in user conflicts and displacement of tribal cultural use. These indirect impacts are not sufficiently considered.
- Conflict area mapping (Figure 3.15-2): It is unclear whether this map reflects tribal usual and accustomed areas (U&A). Clarification is needed to ensure appropriate tribal areas are recognized. While the PEIS excludes tribal lands, more clarity could be provided throughout that acknowledge tribal cultural and treaty-reserved natural resources permeate beyond tribal borders.

Cumulative Impacts Analysis

- Omissions in the reasonably foreseeable actions list affecting Cultural and Historical Resources (Section 4.2.3.14): The cumulative impacts analysis for tribal resources appears to omit major projects such as the Goldendale Pumped Storage Hydro (PSH) Project, despite its known tribal impacts and consideration elsewhere in the document for other resource areas. Other preliminary PSH projects, such as Badger Mountain and Saddle Mountains, should also be monitored.
- Assessment of cumulative impacts given undefined action scope: Without a defined upper boundary for transmission development under the PEIS, it is unclear how cumulative impacts are being meaningfully assessed.

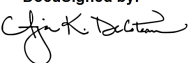
Additional Tribal Consultation and Procedural Concerns

- Terminology consistency: Throughout the PEIS, the term “public” or “stakeholders” is often used without consistently referencing tribes separately. Tribes are sovereign governments, not members of the public or general stakeholders, and the PEIS should consistently reflect this.
- Reservation inclusion in study area (ES-6): The PEIS states that tribal lands are excluded unless a tribe seeks inclusion, but it is unclear when and how tribes must declare this inclusion, during PEIS preparation or at the project-specific stage?

- Ceded lands and treaty rights: The PEIS focuses heavily on tribal reservations but does not meaningfully discuss tribal rights and resources on ceded lands, where treaty rights also apply.
- Federal nexus determination (ES-9, Decision Tree): It is unclear how a federal nexus will be determined for specific projects. Further clarification is needed about triggers for federal involvement and how consultation obligations would be met.
- Transmission project impacts on river operations: The PEIS does not appear to analyze how new transmission facilities impact operations at hydroelectric facilities, which could in turn affect treaty-reserved fisheries and river management.
- Funding for tribal cultural resource staffing: Funding for tribal cultural resource staff was identified as a need (e.g., PEIS Table 3.7-2). CRITFC requests clarification on whether this funding has been allocated and whether it is a required element under the programmatic action.

We appreciate this opportunity to provide comments. If you have any questions, please contact CRITFC staff, Julie Carter or Christine Golightly, at (503) 238-0667.

Sincerely,

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