State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

March 30, 2007

FILED ELECTRONICALLY

Honorable Magalie R. Salas
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

SUBJECT: Washington Department of Fish and Wildlife (WDFW) comments on the Pre-Application Document (PAD), the Scoping Document 1 (SD1), and Study Requests for the Public Utility District No. 1 of Douglas County (PUD) Wells Hydroelectric Project, No. 2149-131, on the Columbia River in Douglas County, Washington.

Dear Ms. Salas:

In response to FERC's January 29, 2007 solicitation of comments on the PAD, the SD1, and study requests associated with the Douglas PUD's Notice of Intent to File License Application for a New License of the Wells Hydroelectric Project, WDFW offers the following comments for your consideration and for filing in the above-referenced proceedings.

I. Comments on the Pre-Application Document (PAD).

As a result of Douglas PUD's proactive approach to developing the PAD for the relicensing of the Wells Project, WDFW has had an excellent opportunity to work with the PUD and federal, state, and tribal entities to

craft the Issues, Issue Determination Statements, and study requests contained in the PAD. WDFW supports the Issues, Issue Determination Statements, and study requests as submitted in the PAD and requests FERC accept them in their entirety as submitted with revisions as recommended below. Upon incorporation of WDFW recommended revisions, WDFW believes the Issues, Issue Determination Statements, and study requests will encompass the range of issues and information needs identified to date that should be investigated during the pre-application period. WDFW looks forward to working with the PUD and state, federal, and tribal resource management entities to develop appropriate protection, mitigation, and enhancement (PM&E) measures to address these respective resource issues.

II. Comments on the Scoping Document 1 (SD1).

A. 4.1.1 Resources That Could Be Cumulatively Affected.

1. Fish species found in the Wells Project in general, not just migratory fish, should be identified along with water quality as aquatic resources that may be cumulatively affected by the proposed continued operation and maintenance of the Wells Project.

B. 4.1.2 Geographic Scope.

1. The geographic scope for aquatic resources should be extended to include those reaches of tributaries to the Wells Reservoir that are inundated by Project operations.

2. The upstream extent of the Wells Project boundary is the State Hwy. 17 Bridge crossing of the Columbia River at Bridgeport, Washington, which is also the lower end of the tailrace of Chief Joseph Dam. To the extent Wells Project operations affect tailrace conditions upstream of the Hwy. 17 Bridge, the geographic scope for aquatic resources should extend upstream into the Chief Joseph Dam tailrace.

3. WDFW believes the following issue statement as provided in section 6.4.1.5 of the PAD, should be included within the scope of the Wells Project effects: *Fluctuations in the Wells Reservoir, including those caused by system-wide energy requirements, may affect the ecosystem (i.e., allochthonous inputs into the system). This may include impacts on aquatic and wetland plant communities, fish use and macroinvertebrates.* In section 4.1.2 of the SD1, FERC identified the geographic scope of analysis for cumulatively affected resources as the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other hydropower and non-hydropower activities within the Columbia River Basin. Also in this section of the SD1, FERC has tentatively identified the geographic scope for aquatic resources to encompass the Columbia River from the tailrace of the Chief Joseph Project to the downstream end of the Wells Project tailrace. Based on FERC's identification of geographic scope, and based on the fact that the Columbia River system has been developed to operate in a hydraulically-coordinated manner for the purpose of generating power, and given that the Wells Project operates within this coordinated system, WDFW

believes including this issue within the scope of the evaluation of Project effects is appropriate.

C. 4.2 Resource Issues.

4.2.1 Aquatic Resources

1. *Effects of the Project on the input, movement, accumulation and retention of toxins (i.e., DDT and PCBs) originating in the Okanogan River* **subbasin** *and the potential* **direct and** *indirect effects of these toxins on aquatic organisms and humans* **within the Project boundary from Okanogan River Mile (RM) 15.5 downstream to Wells Dam.** WDFW recommends the issue statement be reworded as represented by the bold font.

   In the third paragraph of Section 6.2.1.4 of the PAD, the second and third sentences suggest this valuable study would stop short of its information-producing potential: "The study would assess the concentration of DDT and PCBs found within fish tissues collected from the lower Okanogan River. This study would also collect sediment samples from specific *recreation areas* (my italics) located between the mouth of the Okanogan River upstream to RM 15.5". **WDFW Comment:** WDFW recommends collecting sediment samples from selected, appropriate points in Wells Reservoir as well (e.g., wetland and riparian areas). The Okanogan River sediments do not stop at the mouth of the Okanogan River, but continue downstream to at least partially settle out within the reservoir. This begs questions, "How might white sturgeon and Pacific lamprey restoration be affected by toxin-bearing sediments?" Because significant resources must

be mobilized anyway to evaluate toxin-bearing sediment deposition and assay toxin uptake in fish tissues from the lower Okanogan River, it seems illogical to not extend this evaluation into likely deposition areas of the reservoir. Such extended investigation subsequently may prove fortuitous for evaluating to what extent toxin transport and deposition might prejudice sturgeon and lamprey restoration, as well as wildlife sustenance in wetland and riparian areas, and areas of emergent aquatic vegetation.

2. *Effects of the* **P***roject,* **and other hydroelectric project operations in the mid-Columbia River region,** *on water temperature~~, dissolved oxygen, pH, and turbidity~~* **within the Project boundary**. **WDFW Comment:** WDFW recommends the issue statement be reworded as represented by the bold font and strikeout. Project water temperature is a subject of great environmental significance and should be addressed as a primary, stand-alone issue. Evaluation of the Wells Project contribution to adverse temperature conditions in the mid-Columbia River reach should be assessed in a regional geographic scope. Additionally, the study proposed by the PUD in the PAD (section 6.3.1.6), Development of a Water Temperature Model Relating Project Operations to Compliance with the Washington State and EPA Water Quality Standards is a necessary study and should be included in the scope of the 2-year Integrated Licensing Process (ILP) study period as proposed.

3. *Effects of the Project, and other hydroelectric project operations in the mid-Columbia River region, on dissolved oxygen, pH, and turbidity within the Project boundary*. As per number 2 above, WDFW recommends this

issue be added as a stand-alone issue within the scope of the Wells Project relicensing. Reservoir water dissolved oxygen content can, at least seasonally, show an inverse relationship to reservoir water temperature. It should be noted that mine and smelter effluents are discharged into the mainstem Columbia River in British Columbia.

4. *Effects of the Project on* **biological productivity and on** *aquatic***, riparian,** *and wetland plant communities within the Project boundary*. WDFW recommends you add the additional wording to this issues statement as represented by the bold font. The effect of Project operations should be broadened to include effects on biological productivity and riparian habitats within the Project boundary. Without including an evaluation of changes to the biological productivity and an effect on riparian habitats as a result of water level fluctuations caused by Project operations, such an evaluation would be incomplete. Douglas PUD conducted studies prior to filing of the PAD which included a botanical resources study (2006), a macrophyte distribution study (2005), and a study of the effects of water fluctuations on natural resources within the Wells Project area (2006). These studies confirm the presence of an aquatic and wetland plant community adapted to conditions associated with Wells hydroelectric facility operations. Current Project operations will continue under the new license and sustain aquatic and wetland plant communities fostered by Wells Project during the first license. Although WDFW does not see the need for additional studies during the 2-year ILP study period, WDFW does believe Project effects on aquatic, riparian, and wetland plant communities are ongoing and will continue during the term

of the New License. Therefore, mitigation for these ongoing adverse effect on the Wells Reservoir plant community and biological productivity should be continued during the term of the New License.

5. *Effects of the project on the spread of aquatic invasive species*. As stated in the PAD (sections 6.1.4.7), WDFW does not believe that a study is needed during the 2-year ILP study period to identify Project effects on the spread of aquatic invasive species (AIS). However, WDFW does believe AIS should be monitored during the 2-year study period, using accepted standard monitoring protocols, and continued, for a presently undetermined period, during the New License term. This future monitoring, both during the 2-year study period and during the term of the new license, will be helpful in determining whether new AIS are being introduced to the Project or if Douglas PUD's AIS prevention programs are working.

6. *Effects of the Project and ongoing actions, including the Habitat Conservation Plan, on salmon and steelhead*. WDFW believes the Anadromous Fish Agreement and Habitat Conservation Plan for the Wells Hydroelectric Project (2002) addresses all Project effects and ongoing action on salmon and steelhead.

7. *Effect~~iveness~~ of the* **PUD's** ~~*nuisance*~~ **pikeminnow and avian** ~~*wildlife*~~ *control program***s** *on* **native resident fish populations within the Project boundary** ~~*controlling predation of listed salmon and steelhead juveniles and identification and evaluation of the cost and benefits of potential*~~

~~*alternatives to the existing program*~~. WDFW recommends you edit the wording of this issue statement as represented by the bold font and strikeout. The issue of the effectiveness of the PUD's nuisance control program to control predation on salmon and steelhead juveniles within the Project boundary is contained in the Wells HCP. WDFW believes these predator control measures aimed at reducing native pikeminnow and avian predation effects, in concert with other HCP requirements for meeting juvenile anadromous salmonid survival standards, are sufficient to address Project mortality on juvenile salmon and steelhead. As such, WDFW does not believe cost and benefit analyses of the PUD pikeminnow and avian predation control programs are necessary.

However, WDFW does believe there is a need to understand the effect the PUD's pikeminnow removal program on native resident fish population aggregates and relative abundances within the Project boundary. Building on earlier PUD resident fish surveys (McGee 1979, Beek 1999, Burley and Poe 1994), WDFW recommends the PUD monitor resident fish population aggregates and abundances within the Wells Project boundary during the 2-year ILP study period and continue this monitoring during the term of the New License. WDFW believes such monitoring (started during the 2-year ILP study period) will (1) assist in the evaluation of existing fish predation management practices on native, resident fish species; (2) allow for an evaluation of alternatives; and (3) inform future management decisions.

8. *Effects of the project on juvenile lamprey dam passage and reservoir survival*. WDFW does not believe a statistically valid study of juvenile lamprey dam passage and reservoir survival, nor a study on juvenile lamprey habitat availability within the Reservoir could be implemented during the ILP 2-year study period because: (1) accurate population assessment methodologies have not been developed for juvenile lamprey; and (2) studies are limited by a lack of available tagging/sampling methodologies (PAD section 6.4.1.1). As the best alternative, Douglas PUD has proposed conducting an updated literature review during the ILP study period, to compile all available information on juvenile lamprey survival at hydroelectric projects in the Columbia River Basin (PAD section 6.3.1.1). Additionally, Douglas PUD will implement a field study to assess the significance of juvenile lamprey in the diets of predatory fishes and birds present in the Wells Dam forebay and tailrace. The results of this study can be used to develop measures during the Wells relicensing process aimed at avoiding and reducing Project effects on juvenile lamprey. Although WDFW agrees it is not currently reasonable and feasible to conduct additional studies on juvenile lamprey during the ILP 2-year study period, WDFW recommends the PUD be required to conduct appropriate future studies during the term of the New Licenseas necessary technology becomes available. WDFW believes such studies should identify Project impacts to juvenile lamprey and identify feasible measures to avoid and mitigate adverse Project effects.

9. *Effects of the project on adult lamprey habitat use and* **behavior related to ladder passage, timing, drop back, and** *upstream* **migration** ~~*passage*~~.

WDFW recommends you edit the wording of this issue statement as represented by the bold font and strikeout. WDFW believes the issue of Project effects on adult lamprey passage are better captured as presented in section 6.2.1.3 of the PAD. Including more detailed language helps clarify what should be included in an evaluation of adult lamprey passage. WDFW believes study needs for the ILP study period already identified in the PAD will address information needs associated with Project effects on adult lamprey habitat use and upstream passage (PAD sections 6.3.1.2 and 6.3.1.3).

10. *Effects of the project on white sturgeon spawning, rearing, recruitment, movements, and abundance.* WDFW does not believe that a study of Project effects on white sturgeon is needed during the 2-year ILP study period. WDFW believes the collective issue of Project effects on white sturgeon are better captured as presented in sections 6.4.1.2 and 6.4.1.3 of the PAD than in this issue statement and should be used in place of this issue statement.

    Evaluating Project effects on white sturgeon spawning, rearing, recruitment, movements, and abundance will require assessing the extent to which white sturgeon habitat within the Project boundary supports successful spawning and rearing. Lack of adult passage and low sturgeon numbers in the Project boundary (N=47, Tyson 2007) as a result of Project construction and operation is firmly established. A sturgeon supplementation program is currently the measure proposed as the most reasonable to mitigate for this adverse Project effect. Realistic estimation

of carrying capacity of the existing Project habitat will be a critical component of a successful supplementation program. No less important, realistic assessment of Project effects on sturgeon genetics related to a lack of upstream and downstream adult passage are critical to the success of the supplementation program. The reproductive isolation of the Wells population should be specifically addressed in an assessment of Project effects.

WDFW believes studies to identify and assess sturgeon habitat and carrying capacity. Project effects on spawning, rearing, recruitment, and upstream and downstream passage (entrainment/recruitment) should be initiated during the New License term as part of a white sturgeon supplementation. Monitoring and evaluation of the white sturgeon supplementation program will allow fishery resource managers and the PUD to evaluate and adapt sturgeon mitigation measures as the population size is increased through the supplementation program.

11. *Effects of the project on resident fish*. WDFW believes study needs for the ILP study period already identified in the PAD will address all but one of the information needs associated with Project effects on resident fish: the affect of ongoing Project operations on native resident fish populations species abundance, species composition, and spatial distribution within the Wells Project reach of the Columbia River. As stated by FERC in the SD1, section 4.1.1 Aquatic Resources:

> "The operation of the Wells Project and other mainstem Columbia River dams can influence water quality conditions and fisheries resources in the mid-Columbia River. During

> periods of high flows, spillway releases at these dams can increase total dissolved gas levels throughout the river. Additionally, impoundment of water behind the dams and fluctuating reservoir levels and project releases may influence water temperatures, dissolved oxygen levels, pH, and turbidity within the basin. In regard to migrating fish species [and non-migratory native fish species as well], the dams inhibit upstream and downstream fish movements and alter spawning and rearing habitat within the mainstem Columbia River. Other factors that may cumulatively affect aquatic resources in the basin include non-native fish introduction, human development, agricultural practices, timber harvest, and mining operations."

During the 2-year, ILP study period, Douglas PUD is proposing to study Project operation effects as they may affect compliance with total dissolved gas standards in the Wells tailrace and Rocky Reach forebay and its effect on aquatic resources (PAD, section 6.2.1.5). Douglas PUD is also proposing to study Project operations as they may affect compliance with state water quality standards for temperature, DO, pH, and turbidity in the Wells Project (PAD, sections 6.2.1.6 and 6.2.1.7). In regard to migrating fish species, WDFW believes the Anadromous Fish Agreement and Habitat Conservation Plan for the Wells Hydroelectric Project (2002) addresses all study needs and Project effects related to dams inhibiting upstream and downstream movements and altering spawning and rearing habitat within the mainstem Columbia River for salmon and steelhead. Additionally, WDFW believes the lamprey studies proposed by Douglas PUD during the ILP study period are adequate to address information needs for this migratory fish species, and as reflected in the PAD, WDFW agrees there are no study needs for once-migratory white sturgeon during the 2-year ILP study period.

Although WDFW does not see any need for a study of Project effects on resident fish species other than those studies already proposed during the 2-year ILP study period, WDFW believe there is a need to begin implementation of a resident fish population monitoring program during the ILP study period, to be continued during the term of the New License, to monitor for any gross changes in native resident fish species' population parameters within the Project boundary as affected by ongoing Project operations. Such a monitoring program would contribute to an understanding of how ongoing Project operations, which maintain a reservoir environment and impede upstream and downstream volitional passage of resident fish species, affect the native resident fish populations within the Wells Project reach of the Columbia River.

4.2.2 Terrestrial Resources.

1. *Whether the project transmission line represents an avian electrocution or collision hazard*. This Terrestrial Resource Issue should be expanded to include an investigation and analysis of the extent to which the new 230 kV transmission line corridors will affect sage grouse and sharp-tailed grouse habitat use. WDFW believes the study proposed by Douglas PUD in section 6.3.3.2 of the PAD will address, to the extent they can be investigated during the 2-year ILP study period, the information needs associated with identifying Project effects on terrestrial resources associated with Project transmission lines. However, in addition to completing the baseline wildlife, botanical, and RTE inventories along the transmission corridor (PAD section 6.2.3.3), documenting presence of avian species along the transmission corridor (PAD section 6.2.3.2), and

completing a literature review to identify potential effects on raptors and prairie grouse along the transmission corridor (PAD section 6.2.3.2), WDFW believes a follow-up study to investigate the effect of new 230 kV transmission line corridors on sage grouse and sharp-tailed grouse are necessary following their construction. Such a study and monitoring effort will allow resource managers and the PUD to manage the transmission corridor to minimize and mitigate transmission line effects during the term of the New License.

2. *Effects of the frequency, timing, amplitude and duration of reservoir fluctuations on waterfowl and on riparian and wetland habitats*. The effects of the frequency, timing, amplitude, and duration of reservoir fluctuations on wildlife species (i.e. amphibian populations) associated with the riparian and wetland habitats should be added to this issue statement.

3. *Adequacy of the existing wildlife management program in reducing project effects on wildlife*. As reflected in section 6.4.3.7 of the PAD, WDFW does not believe a study is needed during the 2-year ILP study period to evaluate the adequacy of the existing wildlife mitigation program for replacing and benefiting lost recreational benefits. During the term of the initial license, Douglas PUD has placed a high priority on managing the Wells wildlife mitigation lands, with the goal of replacing the pre-project upland game bird recreational hunting opportunities as the focus in the current license. In close coordination with WDFW, the PUD has supported emphasizing habitat improvements on Wells mitigation lands to

support the natural production of game birds, thereby benefiting a wide assemblage of game and non-game species. Ongoing monitoring of hunter use and success during the term of the initial license, as well as implementation of habitat improvement and restoration measures on these lands, provide for reliable assessment as to adequacy of the existing wildlife management program to reduce project effects on wildlife.

4.2.3 Threatened and Endangered Species.

1. *Effects of project operations (reservoir fluctuations), land management practices, and project-related recreation on the following state-listed rare species: little bluestem, chaffweed, northern sweet grass, brittle prickly-pear, American white pelican, and sharp-tailed grouse*. Sage grouse should be added to this list of state-listed species. Both sharp-tailed and sage grouse are listed as State Threatened.

2. *Effects of the project on Upper Columbia River spring-run Chinook salmon, Upper Columbia River steelhead, and bull trout*. WDFW believes the Anadromous Fish Agreement and Habitat Conservation Plan for the Wells Hydroelectric Project (2002) addresses all Project effects and ongoing action on Upper Columbia River spring-run salmon and Upper Columbia River steelhead. WDFW believes the Bull Trout Monitoring and Management Plan (Plan), which has been approved by FERC and the USFWS, is sufficient to address the effects of the project on bull trout.

D. 4.3 Proposed Protection and Enhancement Measures and Potential Studies.

1. *Continue to implement its Land Use Policy to provide guidance for land use management decisions regarding project lands and waters.* It is WDFW's understanding of the Land Use Policy that permits may be issued for designated private use of Project public lands and waters based on applicant's need for such private use, and that a conflict will not be created between the private applicant's intended use and existing or proposed natural resource management. In the past, such approved permits have routinely expired at the end of the project's license term. WDFW strongly recommends that such permits not be allowed to acquire the stature of a quasi-proprietary right. Rather, the principle use(s) (e.g. orchard operations, private boat dock, etc.) for which the permit was granted must be maintained, and not succeeded by an alternative use. Every permit should be subject to inspection and renewal every 10 –15 years. The death of a permit holder should be cause for cancellation of his/her permit, unless the surviving spouse indicates in writing his/her intention to preserve the permit for its intended term. Every permit should be reviewed by the licensee prior to renewal/expiration to determine whether continuation of the permit is in the public interest. It should be made the permittee's responsibility to show that permit renewal for a specified term is in the public interest.

   Additionally, ownership or transfer of Project lands could affect wildlife habitat and species diversity. Project land management activities, such as issuing permits, conducting weed and/or erosion control, and other activities may result in different levels of wildlife impacts and/or protection. For example, habitat fragmentation can occur as multiple

private access easements are allowed across Project lands and disturbance to habitat can result in the establishment of invasive plant species and the creation of early-successional plant communities which may not support target species. WDFW recommends Douglas PUD's Land Use Policy be amended as necessary to address these concerns.

WDFW recommends adding the following protection and enhancement measures be included in the New License to protect and enhance environmental resources of the Project area:

1. *Continue to implement protection and enhancement actions on Wells wildlife mitigation lands.* To sustain the level of habitat function achieved to date on Wells wildlife mitigation lands under the support and direction of Douglas PUD in coordination with WDFW, continued management of these lands will be necessary during the term of the new license. The extent of management needs on these lands vary considerably based on land type, habitat type, management goals, climate conditions, and wildfire occurrence.

2. *Continue to implement the resident fish-stocking program as mitigation for the ongoing loss of recreational fishing opportunities within the Wells Project boundary.* As stated in section 4.1.1 Aquatic Resources of the SD1:

> "The operation of the Wells Project and other mainstem Columbia River dams can influence water quality conditions and fisheries resources in the mid-Columbia River. During periods of high flows, spillway releases at these dams can increase total dissolved gas levels

> throughout the river. Additionally, impoundment of water behind the dams and fluctuating reservoir levels and project releases may influence water temperatures, dissolved oxygen levels, pH, and turbidity within the basin. In regard to migrating fish species [and non-migratory, native fish species as well], the dams inhibit upstream and downstream fish movements and alter spawning and rearing habitat within the mainstem Columbia River. Other factors that may cumulatively affect aquatic resources in the basin include non-native fish introduction, human development, agricultural practices, timber harvest, and mining operations."

The potential Project effects captured in the preceding statement argue for the need to continue a resident fish-stocking program to mitigate for adverse Project effects on recreational fishing opportunities in the Wells Reservoir. As a result of ESA listings of bull trout, steelhead, and spring Chinook in the past decade, there is not an opportunity to mitigate for lost recreational fishing within the Project boundary. Nor is it feasible to bring the waters stocked within the Project boundary. Therefore, the production and stocking of resident trout in non-ESA connected waters in the vicinity of the Project is the only reasonable and economically effective alternative that benefits recreational fishing enthusiasts in the region of the Wells Project. The annual cost born by the licensee for rearing and stocking these trout is approximately $140,000. The estimated annual economic activity generated in the vicinity of the Wells Project from this specific fishery is approximately $1.4 million. This is a 10:1 return to local economies from licensee investment. The economic stimulus of the Douglas PUD planted trout program is well regarded in communities for its beneficial effect.

3. Ownership or transfer of Project lands and the implementation of Douglas PUD's Land Use Policy could affect wildlife habitat and species diversity. Project land management activities, such as issuing permits, conducting weed and/or erosion control and other activities may result in different levels of wildlife impacts/protection, including habitat fragmentation and succession.

Thank you for the opportunity to provide these comments on the PAD, the SD1, and study requests for the Wells Hydroelectric Project. We hope you find them helpful. If you have questions regarding these comments, I can be contacted directly at (509) 754-6066 ext. 25, by email at andonca@dfw.wa.gov, or by mail at Washington Department of Fish and Wildlife, Region 2, 1550 Alder St. NW, Ephrata, Washington, 98823.

Sincerely,

Carmen Andonaegui
Columbia River Policy Coordinator
Intergovernmental Resource Management
Washington Department of Fish and Wildlife

cc: Bill Tweit, WDFW
Dennis Beich, WDFW
Tony Eldred, WDFW
Matt Monda, WDFW
Joe Miller, WDFW
Chris Parsons, WDFW
Art Viola, WDFW
Beau Patterson, WDFW
Mark Hallet, WDFW
Bill Frymire, AAG
FERC Service List

Literature Citations

McGee, J.A. 1979. Fisheries Survey of Wells Reservoir. Douglas County PUD, East Wenatchee, Washington.

Beak Consultants. 1999. Assessment of Resident Fish in Lake Pateros, Washington. Prepared for PUD No. 1 of Douglas County, by Beak Consultants Incorporated, Kirkland, Washington.

Burley, C.C. and T.P. Poe. 1994. Significance of Predation in the Columbia River from Priest Rapids Dam to Chief Joseph Dam. Prepared for Chelan County PUD No. 1, Douglas County PUD No. 1, and Grant County PUD No. 1, Washington.

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service, E-mail or State Campus Delivery

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 30 day of March, 2007, at Olympia, WA.

/S
CLARA KIPP

Submission Contents