



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

REPLY TO
ATTENTION OF

Planning, Environmental Resources,
Fish Policy, and Support Division

Mr. Bill Booth, Chairman
Northwest Power and Conservation Council
851 SW Sixth Avenue, Suite 1100
Portland, OR 97204-1348

Dear Chairman Booth:

Thank you for the opportunity to provide comments as you amend the Columbia River Basin Fish and Wildlife Program. These comments are provided on behalf of the U.S. Army Corps of Engineers (Corps) and the Bureau of Reclamation (Reclamation) and have been coordinated with the Bonneville Power Administration (BPA). It is our understanding that BPA will submit additional recommendations under separate cover.

The Corps and Reclamation have the responsibility under the Northwest Power Act to take the Fish and Wildlife Program into account in each relevant step of our decision making, and we intend to actively participate in the amendment process. The Corps, Reclamation and BPA (collectively, the Action Agencies) are also responsible for ensuring the operation of the Federal Columbia River Power System (FCRPS) is in compliance with the Endangered Species Act.

As you know, the Action Agencies have consulted on the operation of the FCRPS with the National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act. In September 2007, the Action Agencies submitted biological assessments (BAs) to NOAA Fisheries on the FCRPS and Upper Snake as well as a comprehensive analysis that integrates the effects of the FCRPS and Upper Snake River projects. The BAs include descriptions of the proposed action and a discussion of the process the Federal agencies have applied in analyzing the effects of the actions, with the inclusion of the Northwest Power and Conservation Council's (Council) 2003 Fish and Wildlife Program Mainstem Amendments on the operation of Libby and Hungry Horse dams. NOAA Fisheries is expected to release its revised biological opinion on FCRPS operations in May 2008.

Reclamation works with BPA to implement FCRPS BiOp tributary habitat actions in coordination with States, Tribes, local entities, private landowners, local recovery groups, and others through the Council's Fish and Wildlife Program. Reclamation will continue to work on tributary habitat actions in close coordination with the Council's Program.

In addition to FCRPS efforts, the Corps will coordinate with the Council and the region on actions for the benefit of fish in the Willamette River Basin. Currently, NOAA Fisheries and USFWS are assessing the Action Agencies' proposed actions to protect listed species in the Willamette River Basin. Biological opinions are expected in July 2008. We also will be seeking collaborative opportunities for habitat improvement projects and will look to the Council for support in these efforts.

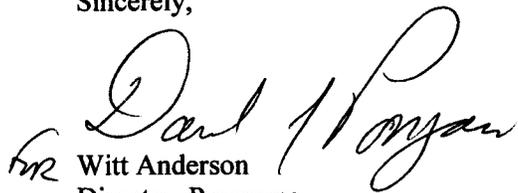
The Corps and BPA are continuing actions for the benefit of the Kootenai River white sturgeon and bull trout in accordance with the 2006 USFWS BiOp, regarding the effects of the operation of Libby Dam.

Over the past year, the Action Agencies have engaged in discussions with Tribes and States to discuss and explore the potential for resolving issues concerning the FCRPS and Upper Snake projects of the Columbia River Basin. As a result of these discussions, the Action Agencies and several Tribes and States anticipate reaching respective agreements in the near future on ten-year commitments of actions in support of the Action Agencies' obligations both generally under the Northwest Power Act, as well as specifically for anadromous species listed under the Endangered Species Act. The commitments include support for the actions in the 2008 Biological Opinions for the FCRPS and the Upper Snake. The commitments also include actions already reviewed and recommended by the Council to BPA, as well as expanded and new actions. Assuming agreement is reached, the Corps and Reclamation are committed to the implementation of all of the actions contained in these agreements. The Action Agencies and the Tribes have found these commitments consistent with the Program and with the Council's intent to integrate Power Act and ESA responsibilities. The expanded and new actions are, moreover, subject to reasonable modifications as determined by the Parties to the Agreement, based on Council and ISRP review. We hope to sign these historic agreements soon.

The Corps and Reclamation recommend that the Council amend the Fish and Wildlife Program to integrate all actions included in the BiOps and any executed agreements, such that the actions in the 2008 Biological Opinions for the FCRPS and Upper Snake are implemented as measures to protect, mitigate, and enhance listed salmon and steelhead affected by the federal hydro system; and, the actions in executed 2008 Memorandums of Agreement between the FCRPS Action Agencies and Tribes and States are implemented as additional measures to protect, mitigate, and enhance listed and non-listed fish.

The Corps and Reclamation appreciate the long-standing, good relationship with the Council and your support of fish recovery programs. We will continue to work with your staff to ensure our actions are consistent with the Council's program. We encourage the Council to amend the Program to integrate the forthcoming NOAA Fisheries FCRPS, Upper Snake, and Willamette BiOps, and the USFWS BiOps. Further, we request that the Council adopt the actions included in executed 2008 Memorandums of Agreement. We will be available for discussion regarding recommendations made by others, and the programs and activities we plan to carry out in response to the biological opinions and executed Memorandums of Agreement.

Sincerely,


Witt Anderson
Director, Programs