

February 7, 2003

Mark Walker
Northwest Power and Conservation Council
851 SW 6th Ave., Suite 1100
Portland, OR 97204-1348

Dear Mr. Walker:

This letter is in response to the Northwest Power and Conservation Council's (NWPCC) request on October 22, 2002 for comments pertaining to the draft mainstem amendments to the NWPCC's 2000 *Columbia River Basin Fish and Wildlife Program* (Program). Although the Columbia Basin Fish and Wildlife Authority (CBFWA) is not providing detailed comments relative to the proposed strategies for operating the hydrosystem, we are providing you with general principles that we believe are critical to the success of any mainstem plan. The CBFWA believes these principles would provide the framework for protecting, enhancing, and mitigating *all* fish and wildlife resources in the Columbia River Basin that have been affected by the development, operations, and management of the hydrosystem. These principles should be applied to all species that inhabit the mainstem and mainstem reservoirs of the Columbia and Snake rivers during part or all of their lives, whether listed or not.

The attached principles are a compilation of ideas that have been highlighted in the Columbia River Inter-Tribal Fish Commission tribes' *Spirit of the Salmon Plan*; the Upper Columbia United Tribes' *Blocked Area Management Plan*; the Watershed Equity Team's 1996 *Planning Objectives, Critical Factors, and Interactions of System Configuration Operations on Resident and Anadromous Fish in the Columbia River Basin* working report; and the CBFWA's June 15, 2001 letter of response to the NWPCC March 14, 2001 request for recommendations for elements of a mainstem plan to be adopted for the Columbia and Snake rivers as an amendment to the NWPCC's Program. This attachment includes principles relating to, among other matters: the protection and enhancement of mainstem habitat, including spawning, rearing, resting, and migration areas for salmon, steelhead, and resident salmonids, and other fishes; system water management; and water quality conditions.

Although individual CBFWA members will be submitting additional information and recommendations in response to your October 22, 2002 request, the CBFWA members request that the NWPCC review CBFWA's June 15, 2001 letter (attached) for the key programmatic themes and measures that we believe are critical to the success of any mainstem plan.

Sincerely,

[signed]
John Palensky, Chair
Columbia Basin Fish and Wildlife Authority

cc: Doug Marker, NWPCC
Judy Danielson, NWPCC

Mainstem Principles Supported by the Columbia Basin Fish and Wildlife Authority

1. Water resources should be managed to mimic natural, historic hydrographs of mainstem rivers in the Columbia River Basin.

Headwaters:

- Restore spring freshet within modified flood control rules.
- Limit ramping rates and day to day fluctuations to approximate normative conditions.
- Reduce dewatered area in varial zone to levels that optimize production.
- Optimize water temperature to maintain ecological integrity.

Mainstem:

- Manage river and reservoir elevations and volume of water at levels that provide optimal velocities for migration and survival of anadromous and resident fish.
- Manage river and reservoir elevations and volumes of water at levels that optimize the quantity and quality of spawning and rearing habitat for anadromous and resident fish and wildlife.
- Manage project operations, river and reservoir elevations, and volume of water to meet water quality standards.
- Manage project operations, river/reservoir elevations, and water volume to establish flood plain characteristics necessary to approximate normative conditions.

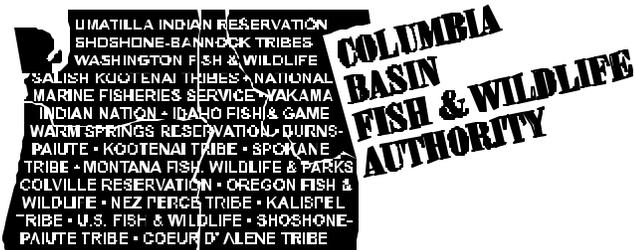
2. Water resources should be managed to restore diverse and stable fish and wildlife populations that support harvest at traditional and sustainable levels throughout the Columbia River Basin.
 - Achieving fish and wildlife management objectives and meeting biological needs should, at a minimum, have an equal status relative to water resource management objectives.
 - Except where limited by physical constraints of the projects or specific and legal obligations, current water management choices are primarily constrained by how water resource operators and regulators interpret risks and priorities as they relate to irrigation, municipal and industrial water supplies, flood control, power generation, navigation, recreation and water quality. These choices likely have not considered, nor have they been sensitive to the risks and consequences the resultant actions create for fish and wildlife.
 - The risks and consequences of alternative choices pertaining to water resource management should be displayed and subjected to public review. The uncertainty associated with assessments of risks and consequences for each choice should be analyzed and weighed as part of a formal decision analysis.

3. Water resource management should consider and compare risks and consequences to all resources affected by water management actions in the Columbia River Basin.
 - Although threatened and endangered native species, by definition, are at greater risk than non-listed species for extinction, they should not be the sole beneficiaries of water management actions taken in the Columbia River Basin on behalf of fish and wildlife.
 - The relative risks of proposed water management actions to all fish and wildlife and to all other resources (irrigation, municipal and industrial water supplies, flood control, power generation, navigation, recreation and water quality) should be determined, evaluated, and considered equally by decision makers.
 - At a minimum, the Northwest Power and Conservation Council's (NWPPCC) Fish and Wildlife Program must ensure that water management actions do not pose jeopardy to listed species as contemplated and described in the NOAA Fisheries' and U.S. Fish and Wildlife Services' biological opinions for the Federal Columbia River Power System (FCRPS) recognizing that the biological opinions are "living documents" that can be improved using new knowledge.

Restoration of ecological integrity would benefit all species and should be the focus of water management actions. Choices between specific, mutually exclusive actions must be based on the relative risks each pose to the sustainability of affected resources.

4. The NWPPCC's Fish and Wildlife Program should be consistent with the fish and wildlife management objectives of the managers while meeting the requirements of the Pacific Northwest Electric Power Planning and Conservation (Power Act).
5. The NWPPCC's Fish and Wildlife Program should view the *Spirit of the Salmon Plan*, the *Blocked Area Management Plan*, and biological opinions as context for mainstem operations upon which additional actions should be undertaken to accommodate non-listed species and the broader mitigation objectives under the Power Act.
6. Emphasis should be placed on energy conservation in the region, greater investment in conservation technologies, and the development of alternative energy sources that complement and accommodate river operations for fish, regardless of water conditions and electricity markets.
7. The NWPPCC and the region's power operators must meet their treaty obligations, legal requirements, and statutory mandates (e.g, Native American treaties, Endangered Species Act, and Power Act) independent of short-term market conditions. Consistency with the law is not dependent on available funding. Therefore, to protect, mitigate, and restore the fish and wildlife resources affected by operation and maintenance of the FCRPS, Bonneville Power Administration and other regional power generators must provide stable and reliable funding that is not susceptible to unstable energy markets or unpredictable weather patterns.
8. Water resource management actions necessary to meet the biological needs and management objectives for fish and wildlife must be given the same level of consideration as other high priority regional uses.

- The Power Act requires equitable treatment between fish and wildlife and other uses of the hydropower system. Foregone power revenues are charged only to water resource management actions (e.g., spill) that benefit fish, and are not charged to other water uses (e.g., irrigation, municipal and industrial water supplies, flood control, power generation, navigation, recreation and water quality). A foregone power charge to anadromous fish misrepresents and exaggerates the economic impact of fish measures to the hydrosystem.
 - Fish and wildlife are held hostage to false constraints if fish and wildlife resources are not treated equitably with other uses of the system.
- 9.** Potential impacts to Native American cultural resources in all future water resource management decisions must be recognized and addressed.
- 10.** Flood plain management plans must be developed and implemented to respond to further impacts of human population growth.
- Use the variable discharge strategy, within existing flood constraints (current rule curves prevent “normative hydrograph”)
 - Use U.S. Army Corps of Engineers experience on the Missouri River (NWPPCC could adopt state level plan)
- 11.** System models must be developed to evaluate global climate changes which affect power demand and fish and wildlife operations, and test and predict variable rain and snowmelt rates among subbasins in order to better manage flood control.



June 15, 2001

Mr. Frank L. Cassidy, Chairman
Northwest Power Planning Council
851 SW Sixth Avenue, Suite 1100
Portland, Oregon 97204-1348

Dear Chairman Cassidy:

This letter is in response to the Northwest Power Planning Council's (Council) request on March 14, 2001 for recommendations for elements of a mainstem plan to be adopted for the Columbia and Snake rivers as an amendment to the Council's 2000 *Columbia River Basin Fish and Wildlife Program* (Program). While the Columbia Basin Fish and Wildlife Authority (Authority) is not submitting detailed comments, we are providing you with general recommendations on a number of key programmatic themes and measures that we believe are critical to the success of any mainstem plan. Individual members of the Authority will be submitting additional information and recommendations in response to your March 14, 2001 request for recommendations.

First, this year's poor runoff conditions throughout the Columbia River Basin, high wholesale electricity prices, the declaration of power emergencies that have impacted operations for fish, and the potential for power shortages continuing over the next several years, have shown that regional power planning has not:

- Provided for the equitable treatment for fish and wildlife required under the Northwest Power Act; nor,
- Fulfilled fish and wildlife mitigation obligations.

For example, spill at mainstem dams is very critical to the survival, recovery and restoration of all salmon and steelhead populations above Bonneville Dam. However, spill has been severely curtailed or eliminated this year at federal mainstem dams to maintain power system reliability. Other operations like flow augmentation and minimum flows below storage reservoirs also will be impacted. The Council must help ensure that its Program's mainstem operations measures, and associated upper basin mitigation efforts, are not curtailed or set back due to the lack of necessary planning and capital investments in generating and transmission resources on the power side. Further, the Council has not conducted an open process with the Authority's members during recent Council and Bonneville Power Administration (BPA) technical analyses of basin energy, capacity, and reliability. These reviews are critical to determine what, if any, mainstem river operations can be provided for fish and wildlife not only this year, but in the future.

The Council acknowledged in the 2000 amendments that the option of curtailing fish and wildlife operations during years of low runoff should not be used in lieu of establishing an adequate and reliable power supply and asked parties submitting recommendations to consider a number of questions relative to this issue. We offer the following responses to some of the Council's key questions.

a) What are the appropriate operations for the hydrosystem to meet both the needs of fish and wildlife and the power supply needs of the region?

We believe that, at a minimum, the Council's Program must accommodate implementation of the mainstem provisions of National Marine Fisheries Service and U.S. Fish and Wildlife Service 2000 Biological Opinions for the operation of the Federal Columbia River Power System. However, the Northwest Power Act sets a higher standard for rebuilding the basin's fish and wildlife resources than the Endangered Species Act. Thus the Council's Program must not only provide for the survival and recovery of fish and wildlife, it must be consistent with the fish and wildlife management objectives of the managers and meet the other requirements of the Act. The Columbia River Inter-Tribal Fish Commission (CRITFC) tribes' *Spirit of the Salmon Plan*, the upper Columbia Tribes' *Blocked Area Management Plan* and the biological opinions provide for river and reservoir operations for listed and non-listed resident fish and salmon. Collectively, these plans strike a balance between fish and wildlife and the other purposes, for which the system is operated, which we believe is consistent with the purposes of the Northwest Power Act. To the extent there may be inconsistencies in fish and wildlife measures among these plans, we expect that the fish and wildlife managers will resolve these matters, not the Council. We expect that the Council's Program will assist the managers in this regard by adopting measures for the Basin's hydrosystem sufficient to accommodate implementation of all the measures in these plans. We recommend that the Council assist the managers in this regard by adopting a process in which the managers bring forward their resolution of inconsistencies among plans for approval by the Council.

The Council should view these plans as the base for mainstem operations upon which additional actions should be undertaken to accommodate non-listed species and the broader mitigation objectives under the Power Act. Energy needs of the region must be met by establishing an adequate, efficient, and reliable power supply that does not require any curtailment of important fish operations. Such operations may include moving toward a normative hydrograph for anadromous fish and wildlife, spill, and appropriate reservoir management for resident fish and wildlife, or stable flows, in low water years. Further, the Council and the region's power operators must assure that there is adequate funding available from power generation and transmission resources to reconfigure and operate the Federal Columbia River Power System (FCRPS) and FERC-licensed hydroprojects to meet other legal and statutory requirements. These include, but are not limited to, the Endangered Species Act, the Clean Water Act, the Northwest Power Act, Native American treaties and the U.S.- Canada Pacific Salmon Treaty.

b) What other actions should the Council consider recommending to resolve the region's power supply problems, as part of a larger review of the current power plan?

The Council should use all of the tools available to resolve the power supply problems, consistent with Federal environmental laws. Power plans need to be developed that not only prevent future curtailment of important fish operations but also provide for improved fish operations in the future. For example, additional spill would improve fish survival but currently is limited because of transmission and generation constraints. The Council should renew its emphasis on energy conservation in the region and greater investment in conservation technologies. The Council should reestablish an energy

conservation program, expanding on the program established in the 1980s but later abandoned. The Council also should support the development of alternative energy sources that complement and accommodate the river operations for fish, regardless of the water conditions and electricity markets. The Council should encourage the expansion of electricity marketing between regions to make river flows more natural. For example, other energy sources (e.g. wind, combustion turbines, etc.) could be imported to supply winter load and reduce reservoir drafting, and additional power could be exported during spring and summer. New generation additions should be strategically located and transmission system improvements should be made to accommodate resident and anadromous fish operations. The Council also should support the acquisition of energy from industries and irrigation load to reduce the power demand over the short term, and support the implementation of other actions to reduce firm load obligations and increase the power supply.

c) How should the Council evaluate the power supply impacts of proposed operations and on what basis will the Council be able to reach the necessary conclusion that it is adopting a fish and wildlife program that truly does protect, mitigate and enhance fish and wildlife while continuing to assure the region an adequate, efficient, economical and reliable power supply?

At a minimum, the Council, in its assessment of whether it is adopting a Program that protects, mitigates, and enhances fish and wildlife, needs to determine how its program and energy plan will accommodate implementation of the two Biological Opinions and other regional plans on the operation and configuration of the FCRPS. Although the need for emergency power operations is recognized in the Biological Opinions, aggressive and measurable progress towards species recovery ultimately determines consistency with successful implementation of the Biological Opinions. The Council's assessment must also determine whether its program is consistent with the legal rights of the Columbia basin's tribes. In addition, the Council needs to assess whether its Program has adequately addressed the hydropower impacts to wildlife and non-listed resident fish and provided for species substitution in the blocked areas.

During this year's power crisis and during the ongoing efforts to develop a 2001 FCRPS Operations Plan, some mainstem fish operations (e.g., spill and flows) have been curtailed to reduce the risk to power system reliability. BPA made this decision in a large part based upon the Council's initial reliability analyses, without the input or review of the Authority's members. Now we understand that the Council has revised its analyses and it appears as though there is now more flexibility in power system reliability. This will result in restoring some fishery operations, such as limited spill, but clearly mainstem protection for much of the spring migration has already been lost.

The region now has a higher probability of meeting its energy needs and a reduced probability that the region will be able to meet its fish operations needs or protect past investments in fish and wildlife mitigation. This obviously will undermine our efforts to restore salmon, steelhead and other fish and wildlife populations in the basin and is unacceptable to CBFWA members. Fish populations will not be restored if river operations are implemented only when power impacts are below a critical threshold. The hydropower system and the region's fish and wildlife cannot accommodate the increased energy demand placed on the BPA. For the ongoing mainstem amendment revision for the Program, the

Council must plan for and establish river operations and hydrosystem configurations for fish and wildlife as hard constraints on the system. The Council must work with Bonneville, other hydrosystem operators, and the Authority's members to achieve that objective under all water conditions in the next three to five years.

Finally, in addition to focusing on power planning to ensure that curtailing fish and wildlife operations during years of low runoff is not used in lieu of establishing an adequate and reliable power supply, the Council must work with the BPA, other basin hydro operators, and the Authority's members, to ensure that Bonneville has sufficient financial reserves and other financial tools to meet its obligations to protect, mitigate and enhance fish and wildlife. Inadequate Bonneville Power Administration financial reserves must not be used as the justification for not meeting fish and wildlife obligations.

The power and fish crises this year have exposed glaring deficiencies in the Council's Program and in the region's efforts to restore and recover fish and wildlife in the Columbia River Basin. We appreciate the difficult challenges the Council faces in protecting, mitigating, and enhancing fish and wildlife in a manner that provides for their equitable treatment with the other purposes of the hydropower system.

We urge the Council to use the current crises as a catalyst to bring about the major changes that are needed to meet the mandates of the Northwest Power Act, Endangered Species Act, Clean Water Act, Indian treaties and trust responsibilities, and other applicable laws, and to recover and restore fish and wildlife in the Columbia River Basin. We appreciate the opportunity to provide these recommendations for your mainstem plan amendment.

Sincerely,

[signed]

Rodney W. Sando, Chair
Columbia Basin Fish and Wildlife Authority

cc: Bob Lohn, John Shurts, and Doug Marker, NWPPC
Sarah McNary and Bob Austin, BPA
CBFWA Fish and Wildlife Managers and Committee Chairs