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Department of Energy

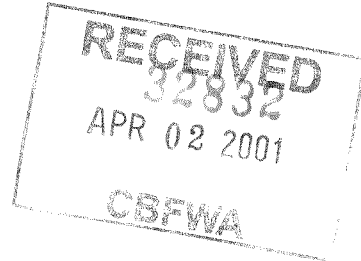
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

ENVIRONMENT, FISH AND WILDLIFE

March 29, 2001

In reply refer to: KEW-4

Mr. Brian Brown
Assistant Regional Administrator
for Hydro Programs
National Marine Fisheries Service
525 NE Oregon Street, Suite 420
Portland, OR 97232



Dear Mr. ~~Brown~~ ^{Brian}:

As you know, the Northwest Power Planning Council (Council) just adopted its final recommendations to the Bonneville Power Administration (BPA) for funding High Priority projects solicited by BPA and the Council on November 13, 2000. We are pleased that most of the projects ranked for funding in this category appear to have a clear connection to anadromous species protected under the National Marine Fisheries Service's (NMFS) 2000 Federal Columbia River Power System Biological Opinion (FCRPS BO). The purpose of this letter is to seek further clarification of NMFS's views on these projects. Before funding any High Priority projects, we request NMFS's comments on whether they correspond to actions contained in the Biological Opinion and whether they will be recognized as actions taken in fulfillment of a portion of BPA's off-site mitigation responsibilities detailed in the Reasonable and Prudent Alternative. To aid in the timely selection and implementation of these High Priority projects recommended by the Council, please respond to this request for further information by April 11, 2001.

It is of the utmost importance to BPA to receive assurances that each of the High Priority projects we implement will be recognized as specific implementation of the Biological Opinion. BPA needs NMFS to provide some detail regarding its views of each of the projects listed in the Council's final recommendation. We understand that a detailed review was done at the time NMFS provided input to the Council on the High Priority solicitation, and we are seeking additional NMFS views on the final Council recommendations. Specifically, we are asking for the following:

- Please verify whether each project is a high priority for anadromous fish listed under the Endangered Species Act (ESA). BPA needs to know whether NMFS believes the benefits to listed species will be immediate and tangible. If there is any hesitation or concern regarding NMFS determining that a project meets this criteria, please specify what additional information, if any, would help to alleviate your concern.

- Which action (#) attributed to BPA under the RPA will the project help fulfill and how? BPA would appreciate NMFS discussion regarding the extent to which the project fulfills the action. Please identify and briefly describe the performance measures that will be appropriate to gauge the project's effects in order to allow us to better guide implementation
- If NMFS's initial review indicated no ESA link for a project, please discuss whether NMFS's view has changed--perhaps in light of additional information gained through the Council's public comment period or provided by the project proponent.
- In addition, we would be interested in any thoughts NMFS may have on how NMFS intends to assign credit to these and other relevant actions toward fulfillment of our obligations to meet the performance standards of the FCRPS BO.

Thank you again for your efforts to help rank these projects and integrate the efforts of the Council and NMFS in the mitigation and recovery of anadromous fish listed under the ESA. I apologize for the short timeline of this request. We all recognize the urgency for getting these High Priority actions on the ground as soon as possible this year to begin to capture the biological benefits to the ESA listed anadromous species.

Sincerely,



Sarah R. McNary
Director for Fish and Wildlife

Enclosure

cc:

Mr. Bob Lohn, Northwest Power Planning Council
Mr. Doug Marker, Northwest Power Planning Council
Mr. Ric Ilgenfritz, National Marine Fisheries Service
Mr. John Palensky, National Marine Fisheries Service
Dr. Brian Allee, Columbia Basin Fish and Wildlife Authority

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March 26, 2001

Stephen J. Wright
Acting Administrator
Bonneville Power Administration
905 N.E. 11th Avenue
Portland, OR 97232

Dear Mr. Wright:

The Council completed its recommendations for projects to be funded this year under the "high priority" funding commitment by the Bonneville Power Administration. With this letter we are communicating both the list of projects recommended for funding and a summary of the Council's deliberations.

The Council called for solicitation of high priority projects in the 2000 Columbia River Basin Fish and Wildlife Program, recognizing that certain types of projects should proceed in advance of subbasin plans. The Program established criteria for these projects, emphasizing projects with immediate benefits to species listed under the Endangered Species Act. This process provides a mechanism to quickly implement projects addressing the off-site mitigation requirements of the 2000 Biological Opinion for the federal hydropower system.

The Council's review of projects proposed for Bonneville funding is conducted pursuant to the provisions of the Section 4(h)(10)(D) of the Power Act. That section requires review by the Independent Scientific Review Panel, public comment and recommendations by the Council.

All project proposals were reviewed by the Independent Scientific Review Panel and the Columbia Basin Fish and Wildlife Authority. These reviews were submitted to the Council on February 1, 2001. The ISRP review provided an initial evaluation of whether or not the proposals met the threshold criteria of the solicitation and also a series of ratings based on the panel's confidence that the proposals would benefit listed species.

We also received comment from the National Marine Fisheries Service, which addressed the consistency of proposals with the 2000 Biological Opinion for the federal hydropower system. Bonneville staff provided a table rating the degree to which they believed the projects addressed the solicitation criteria.

In addition to these comprehensive reviews, we also received nearly 150 individual comments in support or opposition to projects. In a number of cases these comments offered additional information about the applicability of the proposals to the criteria for the solicitation. As you know, our intent was to expedite this solicitation process and so, unlike the normal

conduct of our provincial reviews, we did not provide an opportunity for project sponsors to address the initial ISRP questions and obtain reconsideration from that panel.

We determined that the projects on our recommendation list are consistent with the “high priority projects” criteria in the 2000 Columbia Basin Fish and Wildlife Program and offer immediate opportunities to benefit listed species in Fiscal Year 2001. Given that a threshold standard in the criteria was addressing imminent risks to survival to one or more species listed under the Endangered Species Act, this means the project list is also based in the Council’s judgments on how best to address the priority actions and locations described in the Biological Opinion. Our list of projects includes many of the projects the ISRP gave its highest recommendation for funding. Three projects from that list were removed because of additional information that the projects no longer met the selection criteria, in particular for concerns about the ability to implement these projects in 2001.

We also determined that several additional projects that the ISRP found met the high priority project criteria, but were not included in its highest rating tier should be recommended. In reviewing the projects, we found several outside of the first tier that promise implementation of priority water quality, water quantity and passage improvement measures in targeted subbasins, including new approaches to water rentals. We determined that these projects proposed immediate actions in priority areas, and thus should be implemented this year rather than wait for consideration in the provincial review.

Good examples of projects that improve water quality and quantity were found in the Lemhi subbasin, a priority subbasin for 2001 under the Biological Opinion. Another reason for recommending these additional projects is that they are supported by state and local commitments to implement voluntary approaches to satisfy the goals of the Program and the Biological Opinion. Many of these projects also contain cost-sharing. It was our judgment that in some cases, these commitments and community support would be lost if the projects did not move forward immediately. Our belief is that this would not only jeopardize the ability to do the specific project in the future, but also the ability to do program work of any sort in the area in the near future.

Finally, in several of the cases where we recommended projects additional to the highest tier, we found that their implementation would build upon significant investments that Bonneville is already making in a subbasin. We believe that it is an appropriate policy to seek to maximize and protect those other fish and wildlife investments, and this provided additional impetus to recommend additional projects.

Again, it is important to note that the ISRP found that all of these projects recommended by the Council met the mandatory high-priority project criteria. The Council reaffirmed that the projects met the criteria as well as reflected emphasis in NMFS’ priority subbasins for Biological Opinion implementation. The ISRP clearly advised the Council that it believed many of the projects not in its highest tier did in fact demonstrate a high potential for benefits (See ISRP Report 2001-1, page 3). The ISRP report makes clear that these projects met the criteria in the program and in the Bonneville/Council joint solicitation letter, but were not grouped in its highest tier primarily because they lacked detail or context. After receiving additional project-specific information in the public comment period, much of it addressing points noted by the ISRP, we were persuaded that these additional projects recommended by the Council were of comparable quality to the initial list drawn from the top tier. These projects should be significant opportunities to demonstrate progress towards the performance standards of the Biological Opinion.

During our deliberations, Robert Austin of the Bonneville Power Administration informed us that Bonneville's intent remains to allocate \$10 to \$15 million above the Fiscal Year 2001 direct program budget for high priority projects. Mr. Austin also said that Bonneville would seek assurance from the National Marine Fisheries Service that the projects recommended by us would be confirmed by that agency as addressing action items of the Biological Opinion.

Our staff's analysis of the reviews by Bonneville and the National Marine Fisheries Service concluded that there were a number of apparent inconsistencies among the initial ratings of the projects by both agencies. Our staff also questioned Bonneville's application of the solicitation criteria to the projects. These concerns were detailed in the staff recommendations to the Council dated February 28, 2001, a copy of which was also furnished to Bonneville staff.

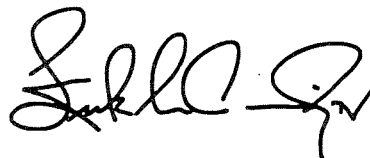
We recognize that, due to the compressed review schedule, the comments by Bonneville were prepared prior to receipt of the ISRP review and therefore did not have the advantage of the information produced by the ISRP, or that gathered by the Council staff in its review. Our staff's recommendation, therefore, was that both NMFS and Bonneville should reconsider their reviews of individual projects before relying on these prior conclusions as the basis for not funding projects on our recommendation list. In the event that Bonneville chooses not to fund a project on this list, we would request that Bonneville explain to us the basis for that decision.

Our list totals more than Bonneville initially suggested to fund, but we believe we should quickly pursue implementation of the entire list to ensure that the greatest number have every chance to be implemented this year. If they are, we are confident they will confirm swift implementation of required actions in the Biological Opinion as well as the 2000 Columbia Basin Fish and Wildlife Program. We recognize that completing preparations to initiate these projects this year will require considerable effort by the project sponsors, your staff and the many cooperators of these proposals. We stand ready to lend every assistance we can to speed project implementation.

As is the case with all of our project recommendations, we regard the estimated costs for these proposals as preliminary and subject to final contract negotiations with Bonneville. We would expect that the sponsors of the projects present statements of work consistent with the proposals submitted for this process.

Please contact me or Bob Lohn of our staff if we can provide any additional information about our recommendations.

Sincerely,



Frank L. Cassidy, Jr.
Chairman

cc: Sarah McNary
Brian Allee
Donna Darm

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Northwest Power Planning Council recommendations for High Priority projects

ProjectID	Title	Sponsor	Subbasin	Estimated Cost
I. Recommended by Council - February 7, 2001				
<u>23036</u>	Evaluate live capture selective harvesting methods for commercial fisheries on the Columbia River	WDFW, ODFW	Mainstem Columbia	\$384,285
II. Recommended by Council - March 7, 2001				
<u>23001</u>	Protect Bear Valley Wild Salmon, Steelhead, Bull Trout Spawning and Rearing Habitat	SBT & IDFG	Salmon	\$320,000
<u>23002</u>	Ames Creek Restoration	USFS	Willamette	\$170,000
<u>23008</u>	Improve Stream Habitat by Reducing Discharge from Animal Feeding Operations in Salmon and Clearwater Basins	IOSC	Clearwater/Salmon	\$1,100,000
<u>23010</u>	Restoration of Anadromous Fish Access to Hawley Creek	IOSC	Salmon	\$2,159,000
<u>23011</u>	Reconnect Little Morgan Creek to the Mainstem Pahsimeroi River	IOSC	Salmon	\$1,100,000
<u>23012</u>	Arrowleaf/Methow River Conservation Project	TPL, WDFW	Methow	\$2,500,000
<u>23032</u>	Return Spawning/Rearing Habitat to Anadromous/Resident Fish within the Squaw Creek to Papoose Creek Analysis Area Watersheds	NPTFWP	Clearwater	\$420,000
<u>23045</u>	Gourley Creek Dam Fish Ladder	City of Scappoose	Lower Columbia	\$200,119
<u>23046</u>	Increase In Stream Flows to De-watered Stream Reaches in the Walla Walla Basin	WWCCD	Walla Walla	\$590,000
<u>23047</u>	Acquire Tucannon River Water Rights	WWT	Tucannon	\$120,000
<u>23048</u>	Install Fish Screens to Protect ESA-listed Steelhead and Bull Trout in the Walla Walla Basin	WWCCD	Walla Walla	\$461,700
<u>23053</u>	Wagner Ranch Acquisition	CTWSRO	John Day	\$2,658,774
<u>23054</u>	Forrest Ranch Acquisition	CTWSRO	John Day	\$4,184,185
<u>23056</u>	Farmers Irrigation District Mainstem Hood River Fish Screen Project	CTWSRO	Hood	\$500,000
<u>23073</u>	Purchase Perpetual Conservation Easement on Holliday Ranch and Crown Ranch Riparian Corridors and Uplands	ODFW	John Day	\$481,800
<u>23094</u>	Acquire 27,000 Camp Creek Ranch at Zumwalt Prairie	TNC	Imnaha	\$2,000,000
Total Recommended by the Council				\$19,349,863
IIb. Council recommends if 23010 does not proceed				
<u>23007</u>	Conservation Easement, Baker Ranch, Salmon River East Fork	IOSC	Salmon	\$1,415,000