

Implementation Team Meeting Notes

NOAA Fisheries Offices
December 9, 2004

1. Greetings and Introductions.

The December 9 Implementation Team meeting was chaired by Jim Ruff and facilitated by Donna Silverberg, who welcomed everyone to the meeting, led a round of introductions and a review of today's agenda. The following is a synopsis (not a verbatim transcript) of the items discussed and decisions made at today's meeting. Anyone with questions about these notes should contact Kathy Ceballos at 503/230-5420.

2. Overview of the 2004 Biological Opinion for the FCRPS.

Ruff said today's meeting was delayed a week to allow people and agencies a chance to review the new 2004 FCRPS Biological Opinion; I'm somewhat amazed that we don't have a larger audience today, he said. The main point of today's meeting is to discuss what has changed, based on comments received, between the draft and the final BiOp.

Chris Toole distributed a list titled "Selected Changes from 9/9/04 Draft to Final 2004 FCRPS BiOp," noting that this is primarily a hydro-centric list and does not reflect the full range of the changes that were made in response to the comments received. The list includes the following items:

Objectives (Ch. 1)

- More explanation of jeopardy standard application
- Added two approaches for application of adverse modification standard

Status of Species (Ch. 4)

- Action area expanded
- Reference operation – modified storage reservoir operations to include draft limits, included some BOR non-discretionary irrigation withdrawals, more explanation of transportation operations, more explanation of configuration assumptions
- Analysis of reference operations on juveniles (SIMPAS) – many model parameters revised, added Snake River fall chinook sensitivity analysis with alternative Lower Columbia flow/survival, added Snake River fall chinook sensitivity analysis to range of "D" estimates, added Snake River fall chinook sensitivity analysis to proportion of yearlings, more explanation of assumptions for in-river migrant latent mortality, updated comparison with free-flowing river survival estimates

- Updated adult hydro survival analysis to include a broader range of years
- Added evaluation of critical habitat in environmental baseline for three ESUs
- Expanded discussion of critical habitat conditions

Effects of the Action (Ch. 6)

- Same analytical changes as those applied to environmental baseline
- Added analysis of effects of action on steelhead kelts
- Added analysis of 2014 effects (in addition to 2004 and 2010)
- For Snake River fall chinook juvenile effects, described three ways: change in in-river survival for the small proportion of fish affected, change in abundance (per 1,000 at head of Lower Granite reservoir, per 2M at Lower granite), change in system survival under a range of “D” values
- Tern predation – added sensitivity to various levels of compensation
- Added calculations of the change in available shallow estuary habitat
- Added evaluation of relevant hatchery programs; significant effects on Snake River sockeye salmon
- Results (per Table 6.11; formerly 6.9) – Snake River steelhead went from No Change to Reduce (short-term), Lower Columbia River steelhead went from No Change to Reduce (short-term), Lower Columbia River coho went from No Change to Reduce (short-term), Snake River sockeye went from Reduce to No Change (short-term)
- Added evaluation of change in critical habitat for three ESUs – under the Environmental Baseline approach, 1) for the period 2004-2009, negative impact to safe passage essential feature of critical habitat; 2) for period 2010-2014, net overall improvement to functioning of critical habitat for Snake River spring/summer chinook, lesser degree of negative impact to safe passage for in-river migrants than during 2004-2009 period for Snake River fall chinook and sockeye
- Under the Listing Conditions approach, not likely to be any alteration of essential features of critical habitat below their condition at the time these ESUs were listed

Cumulative Effects (Ch. 7)

- Expanded discussion to include broader action area

Conclusions (Ch. 8)

- Reviewed updated information from previous chapters
- Jeopardy conclusions are unchanged from draft biological opinion; the proposed action does not jeopardize any listed/proposed ESUs
- Adverse modification conclusions added for three ESUs; the proposed action does not destroy or adversely modify critical habitat

Incidental Take Statement (Ch. 10)

- Updated estimates of incidental take

- Modifications to terms and conditions – some dropped in response to their incorporation into the Updated Proposed Action; some new measures identified

Magnuson-Stevens Fishery Conservation Act (Ch. 11)

- Added to biological opinion; includes essential fish habitat conservation recommendations for several species

Reinitiation of Consultation (Ch. 12)

- Expanded discussion of comprehensive evaluations and performance standards

The bottom line is that the approach to the jeopardy standard analysis is essentially the same in the final version as it was in the draft, said Toole, noting that there is a separate Response to Comments section in the final BiOp, in which many of the comments about the application of the jeopardy standard are addressed. He noted that it is not within NOAA Fisheries' authority to order removal of FCRPS dams; it is up to Congress to order that, hence the decision to include the dams in the environmental baseline. He noted that many of the comments received focused on the policy implications of this decision. Toole added that, in NOAA's legal opinion, the recovery process is separate from the ESA Biological Opinion process; NOAA is in the process of developing recovery plans, which are expected to be completed by December 2005. The action agencies have been exploring what activities may be possible outside the BiOp under 7(a)1.

There is a second standard that applies to Snake River spring/summer chinook, Snake River fall chinook and Snake River sockeye – critical habitat, said Toole. The main change from the final to the draft has to do with the appropriate comparison of critical habitat? a meeting participant asked. NOAA assumed that it should be compared to the environmental baseline, Toole replied; however, the comments we received convinced us that a second analysis was needed, focused on the status of the ESU at the time the species was listed -- the "Listing Conditions" approach. The outcome of both analyses was the same, but we arrived at those results using two different methods, Toole said. You can't make critical habitat worse than it was when the species was listed, observed David Wills, but are you required to improve critical habitat conditions? Yes, Toole replied, although there are some new wrinkles to the analytical approach that determines jeopardy. The assumption is that conditions in the hydrosystem have improved since 1992, when these species were listed; hence, changes in operation will be compared to the reference operation.

I thought the base pikeminnow program was removed from the reference operation, observed Dave Ward. We couldn't really remove it, analytically, Toole replied; the way we treated it is that the pikeminnow program is something additional to the operation of the dams – it's not in the environmental baseline, but it is embedded in the reference operation. I'm not sure I completely understand what you're doing, said Ward. The main point is that they are combined for analytical simplicity, said Toole; it is part of the proposed action, but it's not part of the baseline. In response to a question, Toole said "short-term" is defined as through 2010.

Where do we go next? asked Denny Rohr. Judge Redden has already laid out a schedule, said Toole; the plaintiffs have already indicated that they are moving immediately to litigation against NOAA. The administrative record on the BiOp is due to the judge by the end of January. Depending on what the action agencies say in their Records of Decision, the plaintiffs have also indicated that they may sue Reclamation and the Corps under the Endangered Species Act – Bonneville is essentially exempt, said Toole. The schedule has been set up such that, if the plaintiffs request injunctive relief prior to the 2005 fish passage season, the Judge will be able to do that. The action agencies are working to get their RODs done fairly quickly – probably by mid-December, said Eric Brown.

Toole also drew the group's attention to Chapter 12 of the 2004 BiOp, which lays out the circumstances under which NOAA will consider reinitiation of consultation.

Moving on to the hydro component of the 2004 BiOp, Ruff distributed a document describing how the reference operation was and was not changed in response to the comments received. Many of those comments, of course, had to do with the fact that the dams, in this Biological Opinion, are included in the environmental baseline (Enc. C). Ruff touched on the following major topics:

- Flow objectives and reservoir operations – under the Updated Proposed Action (UPA), same spring/summer flow objectives and federal reservoir draft limits as in the 2000 BiOp. The UPA is expected to result in a 1% reduction in spring flows, as well as a reduction in summer flows of 2.8 Kcfs in the Snake River and 38 Kcfs in the lower Columbia. Flows would be almost 11 Kcfs during the fall and winter
- Comparison of monthly flows at lower Granite Dam under the UPA and reference operations, by month (bar graph)
- Comparison of monthly flows at McNary Dam under the UPA and reference operations (bar graph)
- Spill for fish passage – UPA vs. Reference operation: under the UPA, the spring and summer spill operation is the same as those in the 2000 BiOp, and modified through adaptive management
- Fish transport operations – UPA vs. Reference operation
- Proposed transportation actions compared to those in reference operations (table)
- System configuration improvements, UPA vs. reference: UPA includes RSWs at Lower Granite and Ice Harbor, with a corner collector at Bonneville PH2 (short-term); long-term improvements include RSWs at all Snake River dams and McNary, as well, possibly, as John Day and a forebay guidance device at The Dalles; fish bypass system improvements, debris handling and screen improvements and/or outfall relocations; improvements in turbine operations, and new juvenile and adult PIT-tag detection facilities
- Lower Columbia and Snake River Dams – juvenile fish passage surface bypass improvements (map, with timetable)

Ruff noted that the most recent tech memo from the NOAA Fisheries science center

indicates that spring chinook do not benefit from transportation, hence the changed spring transportation conclusions in the reference operation. In response to comments received, the UPA has been revised to provide spill at the collector projects until April 20, with full collection and transport for steelhead beginning on April 20. In the summer, the same transport operation would be in effect as were in the 2000 BiOp. In “tweener” years, under the reference operation, spill would continue through May 1, or until steelhead begin to predominate.

How will new information be handled under the UPA? asked Bruce Suzumoto. We took a lot of comments about the summer transport operations in the UPA, Ruff replied; the policy judgement was that until we can gather more information on the effects of summer transport on Snake River fall chinook, the operation should stay the same; that evaluation will be complete by 2008, once RSWs are installed at all four Lower Snake projects and we have consistent in-river conditions throughout the Lower Snake. We don’t really know what the differential delayed survival is for transported Snake River fall chinook; we also don’t know enough about the alternative fall chinook life-history – those fish that choose to overwinter somewhere in the hydrosystem. Until we know more about those issues, we have chosen to continue with the summer transport operations laid out in the 2000 BiOp, said Ruff.

Suzumoto noted that the ISAB will be releasing its report from the Council’s recent flow/survival symposium tomorrow; that report will certainly address both of those questions. In response to your original question, said Ruff, the UPA does include an adaptive management mechanism; the action agencies can change it in response to compelling new information. We’re continuing with the implementation planning process, said Suzanne Cooper; any new information will continue to be vetted through the Regional Forum process.

Wills said that, when talking about RSWs and transport studies in the Snake, there was a commitment to installing RSWs at all of the Lower Snake projects by 2008. Recently, however, there has been a change; RSW construction has now been deferred at Little Goose, because the Corps has chosen to concentrate instead on McNary. If the intensive fall chinook survival evaluation is to be delayed until after there are RSWs at all four Snake River projects, that is very dismaying to the salmon managers, because it now appears that there is no way that we’ll have an operational RSW at Little Goose by 2007. Cooper replied that all of these elements – the RSW construction schedule, as well as the schedule for the fall chinook survival evaluation – are and will continue to be the subject of intense regional discussion – in other words, nothing is yet carved in stone.

Ruff noted that, with the exception of those actions that have been completed, all of the activities that were included in the reasonable and prudent actions in the 2000 FCRPS BiOp are included in the 2004 BiOp’s UPA, at least from a system configuration standpoint. He noted that the benefits of installing a surface bypass route for juvenile fish at all eight FCRPS projects have been estimated in the gap analysis for the 2004 BiOp. The UPA includes a commitment to install surface bypass at all eight projects by 2014; however, the installation timing has yet to be determined for all projects.

Cooper said most of the changes to the UPA have already been covered. Brown noted

that the Ice Harbor RSW will be installed in time to be operational by the spring of 2005; discussion, as Suzanne said, is ongoing where RSWs should be installed next.

One thing we haven't talked about is the fact that, in the final UPA, we extended the summer draft at Dworshak into September, Cooper noted, as long as that is consistent with the Nez Perce water settlement. Cooper distributed Enclosure D, a document titled "Key Differences between Draft and Final Updated Proposed Action," and spent a few minutes going through its contents. Among its highlights:

- Increase definition of both hydro and non-hydro actions
- Delayed initiation of spring transport, with associated spill
- Four additional estuary habitat projects
- Improve and expand operation of the fish trap at Lower Granite
- Continuation of safety-net hatcheries for several ESUs
- Expansion of the Snake River sockeye smolt hatchery program
- The action agencies' proposed action (flow chart) – hydrosystem actions to benefit all listed fish through the hydrosystem (dam improvements, reduced juvenile transport in April, continued fish spill operations, manage water for fish purposes), predator control actions to benefit all listed fish through the hydrosystem (redistribute Caspian terns, increase northern pikeminnow rewards, investigate other actions), and other actions (tributary actions targeted to Upper Columbia listed fish informed by subbasin plans where feasible, estuary improvements that target Snake River fall chinook, but also benefit other listed species, expanded Snake River sockeye smolt hatchery program, continued safety-net hatchery programs for SR spring/summer and fall chinook, SR sockeye, Mid- and Lower Columbia steelhead, and chum, improvement and expansion of the Lower Granite trap to benefit Snake River fall chinook)
- Habitat metrics in the UPA – tributary habitat performance measures, estuary habitat performance measures

Brown noted that, with respect to the habitat metrics, one change is that the initial metric the action agencies will look at is acres of habitat improved – that has changed since the draft UPA. How would habitat improvements on, say, the Okanogan be funded? Rohr asked. Through the Council/CBFWA prioritization process, Cooper replied. There have been recent discussions about the Bonneville/Council MOA, and whether some additional funds need to be put into this process, given the fact that current funding has essentially all been allocated, said John Palensky. Will some of the funding for streamwork on the Entiat, Methow and Wenatchee come from Reclamation, rather than BPA? Rohr asked. Yes, Ruff replied – who pays for what, overall, when it comes to habitat/non-hydro improvements is still under intense discussion. The Federal Caucus is still working on that, said Cooper. Conservation measures were not included in NOAA's analysis of how we filled the gap, she added – they're add-ons to the actions included in the UPA.

Ruff noted that the heart of the analysis for the hydro portion of the BiOp can be found in Chapter 5 – that will help explain what is and is not in the reference operation. Chapter 5 also includes a number of responses to specific comments. Also, in Chapter 6, you'll find our effects

analysis, which is another key part of the hydro analysis. In Appendix D, you'll find all of the parameters we used in SIMPAS, with references, Ruff added. For anyone who wants more detail about what went into our analyses, please review those chapters.

The next step will be for the action agencies to issue their Records of Decision, Ruff added; after that, we'll go from there. He noted that the 2004 FCRPS BiOp can be downloaded from the www.salmonrecovery.gov website; it is also available in CD-ROM form from NOAA Fisheries. In response to a question, Ruff said that, from NOAA Fisheries' perspective, the 2000 FCRPS BiOp is no longer in effect – it has been superseded by the 2004 BiOp, at least until Judge Redden says otherwise.

3. Corps Update.

Brown reported that Rock Peters will be the Corps' new IT representative, replacing Jim Athearn. With respect to TMT activities, Brown said Cathy Hlebechuk is busy with the flooding situation in the region; however, Cathy asked me to remind the IT that the Corps is still looking for comments on the draft 2005 Water Management Plan. At its most recent meeting, the TMT also discussed chum flows; the Bonneville minimum tailwater elevation was raised to 11.7 feet. Libby's December 31 flood control target was set at 2411 feet. The Lower Snake projects went to zero nighttime flow effective last night.

4. Next IT Meeting Date.

The next Implementation Team meeting was set for Thursday, January 13. Meeting summary prepared by Jeff Kuechle.