September 29, 2000

Mr. Brian J. Brown
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National Marine Fisheries Service
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Ms. Virginia Kuehn – KCC-7
Bonneville Power Administration
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Dear Mr. Brown and Ms. Kuehn:

The Alaska Department of Fish and Game (ADF&G) appreciates the opportunity to comment on the "*Draft Biological Opinion on the Operation of the Federal Columbia River Power System Including the Juvenile Fish Transportation Program and the Bureau of Reclamation's 31 Projects, Including the Entire Columbia Basin Project"* (Draft BiOp) issued July 27, 2000. The Draft BiOp, is an informative document that demonstrates considerable effort by several federal agencies and contains many good ideas.

The Draft BiOp describes the risks the current federal hydropower systems on the Columbia and Snake River Basins pose to Ecologically Significant Units (ESUs) of fish listed under the Endangered Species Act (ESA). The National Marine Fisheries Service (NMFS) supports the Reasonable and Prudent Alternative (RPA) on the belief it will pose no jeopardy to these ESUs when the off-site mitigation described in the *Draft Basin-Wide Salmon Recovery Strategy* (All-H Paper) is taken into account.

Because of the limited time for review of the Draft BiOp, our comments are focused on general areas of significant concern. We have reviewed the comments drafted by the Oregon Department of Fish and Wildlife and support their findings. The major categories of issues that we believe need to be addressed more fully in the final document include:

1. **Optimistic assumptions regarding extinction risk and recovery probabilities of listed salmon overestimate the probability of survival and recovery for listed ESUs.** The BiOp overestimates the survival and recovery probabilities of listed salmon ESUs. The result of this optimistic picture of future survival and recovery is that the Draft BiOp underestimates the degree of improvement in survival needed for these listed ESUs to survive and recover. This underestimate results in proscriptions for ensuring survival and recovery that will fall short of their objective. In short because of the overly optimistic

probability of recovery used in the Draft BiOp the improvements needed to prevent extinction are underestimated.

There have been many technical comments concerning the Cumulative Risk Initiative (CRI) methodology for estimating annual population growth rate during the past year. These comments have been directed at the CRI having overly optimistic growth rates given the current conditions. For example, the CRI assumes the rate of decline in fish populations is linear; however, growth and decline rates do not appear linear in the work that has been done since the 1980s. This assumption of a linear decline would underestimate the probability of extinction. The comments from previous documents regarding overly optimistic assumptions do not appear to have been addressed in this Draft BiOp.

Furthermore, standardization of the assumptions and analyses of these 12 Snake and Columbia River salmon ESUs in the model, while perhaps simplifying the modeling process, is not supported by the best available science and empirical data. Moreover, the Endangered Species Act requires that jeopardy be avoided for each of the ESUs.

2. **The RPA describes an operation of the federal hydropower system that does not significantly change the current operations.** The BiOp bases its no jeopardy determination on a "full mitigation standard" that understates the survival improvements needed from the federal hydropower system and downplays the uncertainty of the effectiveness of off-site mitigation in the proposed harvest, hatchery and habitat measures. The mitigation benefits from off-site activities are assumed and are not supported by data or analyses in the Draft BiOp. The BiOp must clearly demonstrate that the proposed Reasonable and Prudent Alternative (RPA) provides the improvements necessary to meet the biological needs of listed ESUs and ensure their survival and recovery.

   Furthermore, it is not clear that the proposed performance standards will be able to measure the success of the RPA after 5-8 years. Some of the listed salmon populations face a high risk of extinction in the near term. Therefore, the proposed performance standards must be able to measure with a high degree of confidence whether the proposed RPA is achieving its goals.

3. **The BiOp should contain the process and timetable for taking the steps necessary to develop and implement an alternative RPA because of the time sensitive nature of near term extinction for some ESUs.** For example, the Draft BiOp cites the fact that only the four listed ESUs in the Snake River would benefit from dam breaching, rather than all 12 listed ESUs, as a basis for deferring consideration of breaching. The Draft BiOp bases its survival and recovery proposals on the assumption that the agencies want to do what will benefit all 12 of the listed ESUs. However, several of the measures in the proposed RPA only assist some, not all, of the ESUs.

   Because the Snake River fall chinook is of particular importance to Southeast Alaska fishermen we believe that the Draft BiOp should describe why this criterion of assisting all 12 ESUs at once is valid for some measures and not for others. The problems facing Snake River listed populations are as significant as those problems facing more recently listed populations. The agencies must develop and have ready an alternative RPA that

describes the measures that need to be taken to recover each of the 12 ESUs. Deferral of consideration of the question of dam breaching will not allow adequate time for its development as an alternative RPA that may be needed to ensure the survival of some or all of the four listed Snake River ESUs.

4. **The BiOp should include a commitment by federal agencies to working in a meaningful way with states and tribes to plan, implement, and evaluate BiOp performance standards and measures.** The BiOp should contain the process and timetable for this cooperative effort and clearly outline the role of states and tribes as full partners in developing and evaluating the biological and logistical feasibility of off-site projects to mitigate the federal hydropower system impacts.

When the Draft BiOp was released we questioned NMFS as to whether their plan was to reduce harvest or let the Pacific Salmon Treaty dictate the harvest levels for Alaska, whether they go up or down. The response from Regional Director William Stelle confirmed that the Pacific Salmon Treaty abundance based management regime will decide harvest levels for Alaska fishermen. We are heartened to have a definitive answer that the PST is the process that determines harvest levels in Alaska. Despite what the PST process says, however, we are all acutely aware that if the Snake Rive fall chinook population continues to decline or fails to recover, pressure will be brought to bear on small fishing communities and family fishermen to reduce their harvest levels.

In our March 30, 2000, comments on *the Draft Lower Snake River Feasibility Report/Environmental Impact Statement,* ADF&G supported the alternative that included breaching the dams as a necessary but not sufficient step to recovery of these populations. We continue to find the science that points to breaching as a requirement of recovery persuasive, and we understand the political difficulties and personal pains such a move might bring. However, we believe that the fishermen who are already doing their fair share must not be forced into the position of making even greater sacrifices because those in control did not have the will to do what is necessary to recover these fish. The burden for recovery of these fish must be spread more equitably and effectively among all those interests whose actions reduce the chances for survival and recovery of these populations.

Thank you again for your work on this draft document and we look forward to reviewing a final document that addresses our comments.

Sincerely,

/s/

Frank Rue
Commissioner

cc. Dale Kelley
William Auger
David Bedford
Deborah Lyons
Joe Daniels