



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Under Secretary of Commerce**  
**for Oceans and Atmosphere**  
Washington, D.C. 20230

September 14, 2009

The Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
Department of the Army  
108 Army Pentagon  
Washington, DC 20310-0108

The Honorable Laura Davis  
Associate Deputy Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

The Honorable Stephen J. Wright  
Administrator  
Bonneville Power Administration  
Department of Energy  
P.O. Box 3621  
Portland, OR 97208-3621

Re: FCRPS Adaptive Management Implementation Plan

Dear Colleagues:

Over the last month, after listening to the views of all the various parties in the pending litigation, as well as expert scientists inside and outside of the government, our agencies have developed a more detailed and aggressive plan for implementation of the reasonable and prudent alternative (RPA) set forth in the National Oceanic and Atmospheric Administration's (NOAA) 2008 Biological Opinion (2008 BiOp) for the Federal Columbia River Power System (FCRPS). By your cosigned letter of September 11, 2009, transmitting the FCRPS Adaptive Management Implementation Plan (the Plan), you have requested NOAA's confirmation that the Plan is consistent with the RPA, that reinitiating of consultation is therefore not required, and that NOAA commits to those activities in the Plan that are identified for our execution.

The 2008 BiOp's RPA comprises a ten-year plan for FCRPS operations subject to performance standards and certain specified contingencies if those standards are not met. The RPA also includes a program of salmon and steelhead habitat restoration in the tributaries and estuary, predator management, and other mitigation measures. Central to the implementation of this RPA are its adaptive management provisions that rely upon

THE ADMINISTRATOR



ongoing research, monitoring, evaluation, and contingency planning to ensure that the effects of FCRPS operations are not likely to jeopardize the continued existence of listed salmonid species (i.e., combined with the effects of the environmental baseline and cumulative effects the species can be expected to survive with an adequate potential for recovery), nor result in the destruction or adverse modification of designated critical habitat.

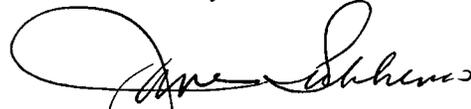
After reviewing the BiOp and utilizing the existing adaptive management framework in order to achieve the best implementation of the RPA over the life of the 2008 BiOp, our agencies developed the Plan, which employs a more precautionary approach to implementation of the RPA. NOAA is fully committed to carrying out those activities identified in the Plan for NOAA implementation.

The Plan establishes specific research and monitoring actions that will contribute additional data and analytic tools so we will be able to detect if the species are not responding as anticipated, with special attention paid to the potential effects of climate change. Based on this research and monitoring, the Plan includes specific biological triggers that will set in motion additional contingency measures intended to benefit salmonid populations. Some of these contingency measures would be implemented within months of a trigger being reached and are designed to have immediate benefits; other contingency measures would take longer to implement and longer to benefit the species. There will also be additional precautionary measures, not contingent on triggers, such as advance contingency planning and predator and invasive species management, that will be developed and implemented to further help ensure that the FCRPS does not jeopardize the continued existence of listed species nor result in the destruction or adverse modification of their designated critical habitat. These additional actions, triggers and contingency measures (if needed), substantially address the points raised by the District Court's May 18, 2009, letter and by the parties to that litigation, both during our listening sessions with them and in their communications with us.

As described in Appendix 1 of the Plan, over the last five months, the new political leadership at NOAA and your agencies invested substantial time and effort to reach a sufficiently robust understanding of the 2008 BiOp to develop this Plan. I agree that the Plan is consistent with the RPA and that reinitiation of consultation is therefore not required. I further agree that as implemented through this detailed and aggressive Plan, the 2008 BiOp is biologically and legally sound, and is based on the best available scientific information. In addition, the RPA as implemented through the Plan satisfies the jeopardy standard that has been articulated by the Ninth Circuit, that is, its effects are not likely to jeopardize the continued existence of the listed species (i.e. combined with the effects of the environmental baseline and cumulative effects, the species are expected to survive with an adequate potential for recovery), nor likely to destroy or adversely modify designated critical habitat. The culmination of our recent efforts represents a significant step forward for listed salmon and steelhead in the Columbia and Snake River basins.

Thanks to you and your staffs for the careful work on the Plan. NOAA anticipates a continued close working relationship with you and the sovereign states and tribes of the region to carry out this Plan effectively for the protection of listed salmon and steelhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Lubchenco', with a large, stylized loop at the beginning.

Jane Lubchenco, Ph.D.  
Undersecretary of Commerce  
for Oceans and Atmosphere

cc: Nancy Sutley, Chair, White House Council on Environmental Quality  
Barry Thom, Acting Regional Administrator, NOAA Fisheries Service