

2003 Check-In Report Comments

Fri, 14 Nov 2003 16:14:08 -0800

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Please accept the following comments and questions regarding the 2003 BiOp Check-In for the FCRPS:

1. p. 4 - Water Management

The text attributes 2001 missed flow targets to "drought conditions." This is not entirely accurate. See BPA's numerous reports on bad BPA business conditions that caused BPA to operate the river for maximum power production during the summer of 2001.

2. p. 5 - Water Management

The report says that NEPA documentation was completed to allow VARQ flood control to begin on an interim basis. Quite a few stakeholders are questioning the validity of an "Interim NEPA" while the full NEPA analysis is still underway. Is there statutory authority to proceed with a federal undertaking before completing the NEPA process?

3. Report 1-1

Where is the validation (detailed calculations) for the over \$300 Million annually in purchased power and foregone revenue?

4. Report 1-3

The text regarding BPA funding includes numerous figures that are not substantiated with actual expenditure reports. The text uses "budget" figures interchangeably with implied "expenditures," when BPA actually did not SPEND the amounts budgeted. The Report should be edited to reflect BPA's actual expenditures and to clearly distinguish amounts actually SPENT for each budget category.

The final sentence of Section 3.3 states that "[BPA] has made clear to all regional parties that Endangered Species Act (ESA) needs have priority for BPA expenditures." While it is true that BPA clearly has ATTEMPTED to

prioritize ESA over all other F&W funding needs, BPA more recently has made promises to others in the region - particularly some of the Tribes - that BPA acknowledges it must balance ESA with the NWPCC's F&W Program and the agency's treaty and trust responsibilities to the Tribes.

I regret I have not had time to review the Report in greater detail. Nor have I had the chance to discuss the Report with the UCUT member Tribes. Therefore, these comments are submitted solely as my own, and not as the comments of UCUT or any of the member Tribes.

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