



DIRK KEMPTHORNE
GOVERNOR

April 7, 2004

VIA ELECTRONIC MAIL

Bonneville Power Administration
Communications—DM-7
P.O. Box 14428
Portland, OR 97293-4428

**Re: Preliminary Proposal for Federal Columbia Power System
Summer Juvenile Bypass Spill Operations**

To Whom It May Concern:

The State of Idaho, by and through the Governor's Office, hereby submits its initial comments on the Preliminary Proposal for Federal Columbia River Power System Summer Juvenile Bypass Spill Operations (Proposal) released by the Bonneville Power Administration (BPA) and the United States Army Corps of Engineers (Corps) March 30, 2004.

It is understood that this is a "Preliminary Proposal," as its name implies, and that further due diligence and development will be necessary to finalize a Proposal that meets the framework discussed below. The State of Idaho will reserve further opportunities to comment and provide input as is necessary.

I. INTRODUCTION

The State of Idaho generally supports the goals of the Proposal, specifically, achievement of "similar or better biological benefits for salmon at less cost than the current summer spill program." Proposal at 1. This stated purpose is consistent with the most recent joint policy pronouncement by the Governors of Idaho, Montana, Oregon and Washington supporting a balancing of the operations of the regional asset, the Federal Columbia River Power System (FCRPS), with the needs of the fish and wildlife resources in the Columbia River Basin.

In a letter dated March 29, 2004 to BPA Administrator Steven Wright and Brigadier General William T. Grisoli of the Corps (attached hereto as Exhibit A), Governor Kempthorne joined the other regional Governors in declaring that "we will

support a spill reduction proposal that mitigates for the impacts to non-listed salmon and steelhead, and that NOAA Fisheries determines is adequate to avoid adversely affecting listed salmon and steelhead.” Idaho’s preliminary perspective on the Proposal, discussed within those parameters, is set forth below.

II. COMMENTS

A. Context: The Four Governors' Recommendations

1. The July 2000 Four Governors' Recommendations

In July 2000, the Four Governors issued the first of their recommendations for the protection and restoration of fish in the Columbia River Basin. They addressed the issues of spill in a section of the document titled “*Hydroelectric System Reforms*,” and noted:

We recognize the need to improve the riverine character of the mainstem Columbia and Snake rivers as a means of further improving successful salmon migration, spawning and rearing. Spill is important in this regard.

Spill is recognized as a highly effective means of passing juvenile salmon downstream, reducing the mortality associated with passage through many turbine sets and in most bypass systems. The use of spill should be improved--in duration, timing and quantity--at all of the federal hydropower projects. Experiments testing spill benefits at different levels and times of the year should be expanded, and the impacts on juvenile fish survival from these alternative spill operations, including summer spill, should be carefully monitored and evaluated.

RECOMMENDATIONS OF THE GOVERNORS OF IDAHO, MONTANA, OREGON AND WASHINGTON FOR THE PROTECTION AND RESTORATION OF FISH IN THE COLUMBIA RIVER BASIN 8-9 (hereinafter FOUR GOVERNORS’ RECOMMENDATIONS I, attached hereto as Exhibit B). Thus, as far back as July 2000, the region’s Governors recognized the importance of spill as a potential conservation measure as weighed against the operation of the hydrosystem on the Columbia River Basin’s fisheries resources.

2. The June 2003 Four Governors' Recommendations

In June of 2003, the Four Governors again collaborated on a policy document within a similar framework of the earlier RECOMMENDATIONS. The Governors confronted “new threats to BPA, and the threats to the customers who rely on BPA.”

RECOMMENDATIONS OF THE GOVERNORS OF IDAHO, MONTANA, OREGON AND WASHINGTON FOR PROTECTING AND RESTORING COLUMBIA RIVER FISH AND WILDLIFE

AND PRESERVING THE BENEFITS OF THE COLUMBIA RIVER POWER SYSTEM 9 (hereinafter FOUR GOVERNORS' RECOMMENDATIONS II, attached hereto as Exhibit C). Almost three years after singling out spill for particular operational attention of the FCRPS in FOUR GOVERNORS' RECOMMENDATIONS I, the state leaders in the Pacific Northwest publicly acknowledged the pressures on the hydropower system and declared that:

BPA must do everything within its power to avoid or minimize rate increases now and for the remainder of the current rate period and place the agency on a path to stable and affordable rates soon. We believe these efforts must include securing all available efficiencies without compromising its essential functions.

...

We call upon BPA, in consultation with the [Northwest Power and Conservation] Council, to undertake a process to establish priorities within its operations, and to focus its resources on those areas that are most critical to its mission and bring the greatest benefit to the Pacific Northwest.

FOUR GOVERNORS' RECOMMENDATIONS II at 10-11. The Governors further stated that "[r]eliable, cost-based energy of the FCRPS is the bedrock of our regional economy, and the revenue it produces is the lifeblood for financing the restoration and protection of our fish and wildlife as well as for meeting our Tribal treaty responsibilities." FOUR GOVERNORS' RECOMMENDATIONS II at 13.

This Proposal thus poises some of the crucial interests identified in the FOUR GOVERNORS' RECOMMENDATIONS comprising a balanced regional approach at an important confluence.

Consistent with the overarching objectives of the RECOMMENDATIONS, the success of the FCRPS operations in the Proposal hinges on an appropriate balancing of costs to the region's economy and hydropower reliability with the responsibilities to fish and wildlife as accommodated by project operations.

B. Proposed Mitigation Actions

1. Dworshak Operations

Catalogued among the "Other mitigation actions that could enhance salmon survival," Proposal at 9-10, is additional flow augmentation from the Dworshak Reservoir. Idaho has serious reservations with this element.

First, as rightly recognized by the description of this mitigation action in the Proposal, any deeper drafting from Dworshak may result “in at least one additional year when spring refill would not be achieved and could substantially increase the value of *all* refill misses.” Proposal at 10 (emphasis added).

Second, the flows identified in the Proposal might not necessarily be biologically beneficial to the targeted species. A 2000 study by Karl Dreher, Director of the Idaho Department of Water Resources, as well as representatives of Idaho’s fish managers, evidenced that later flow augmentation from Dworshak Reservoir has a negligible biological impact on anadromous fish. KARL J. DREHER, ET AL., REVIEW OF SURVIVAL, FLOW, TEMPERATURE AND MIGRATION DATA FOR HATCHERY-RAISED SUB YEAR LONG FULL CHINOOK SALMON ABOVE LOWER GRANITE DAM, 1995-1998 (September, 2000)(hereinafter DREHER). The study stated that:

Flow augmentation from Dworshak Reservoir increased flow and decreased water temperatures experienced by a portion of the surviving fish from later releases. Nonetheless, survival of hatchery-raised fish from the later releases continued to decline relative to earlier releases, despite flow augmentation with cooler water from Dworshak Reservoir. If there was improved survival because of temperature reductions associated with flow augmentation from Dworshak releases, the survival improvements may be reduced by simultaneously augmenting flows using warmer water from the Snake River. There currently are no sources of consistently cooler water for augmenting lower Snake River flows other than Dworshak Reservoir.

DREHER, ET AL., at 54.

The uncertain biological benefits of this component under DREHER, coupled with the increased likelihood that additional flows will lessen the refill probability for following years thereby inhibiting Dworshak from contributing to future augmentation flows, substantiates the reasoning that any additional water from Dworshak not otherwise called for in the existing operations regime will not provide “the *same* or *greater* biological benefits to affected salmon stocks while supporting the FCRPS’ ability to remain an economic, efficient, and reliable energy source.” Proposal at 2 (emphasis added).

Third, the State of Idaho has consistently remained concerned about the reliability of the local recreational values as represented by the operations of the Dworshak project. The local communities of north Idaho, especially the residents of Orofino, Idaho, depend heavily on water levels being maintained in the Dworshak Reservoir for summer and fall recreation. Idaho has generally resisted any drafting of the Dworshak Reservoir below a level of 1520 feet, and these important public recreational opportunities have a likelihood of being degraded by this element. Given the

uncertainties of the upcoming water season for purposes of estimating refill of the Dworshak Reservoir, this proposed mitigation action is troubling to the State of Idaho.

2. Consideration of Northwest Power and Conservation Council's Fish and Wildlife Program

Idaho is also concerned about the appropriateness of identifying a contribution of the Northwest Power and Conservation Council's Fish and Wildlife program in the next two fiscal years as a proposed mitigation activity. *See Proposal at 9-10.*

The Bonneville Power Administration has acknowledged that the expiration of the previous funding agreement and switch in accounting methods may have created significant transition issues and costs, thus frustrating the ability to fund projects--including those in Idaho--recommended during the Council's provincial reviews. As a matter of structuring the Proposal, BPA should examine the prospect of equitably sharing the revenue that will be generated to retire these transition costs outside of, and without regard, to its final decision on a full offset package.

III. CONCLUSION

The State of Idaho, consistent with the March 29, 2004 letter by the Four Governors, will advocate for an FCRPS summer spill program providing an appropriate level of economic stability to the region while, at the same time, adequately protecting fish and wildlife resources.

Consistent with the position of the Four Governors, the Proposal must meet the requirements of the federal Endangered Species Act as found by the responsible federal agency, NOAA Fisheries.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Michael Bogert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

L. MICHAEL BOGERT
Counsel to the Governor

Attachments