

553-208

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Kuehn, Ginny - DM-7

From: sue_aspelund@fishgame.state.ak.us
Sent: Friday, June 11, 2004 1:30 PM
To: BPA Public Involvement
Subject: Comment on Summer Spill Proposal

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View open comment periods on <http://www.bpa.gov/corporate/kc/home/comment.cfm>

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This comment includes an attachment!

6/14/2004

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

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June 11, 2004

Bonneville Power Administration
Communications – DM-7
P.O. Box 14428
Portland, OR 97203-4428

Re: Amended Summer Spill Proposal

Dear Bonneville Power Administration:

The State of Alaska, an interested and affected party, continues to be seriously concerned over Bonneville Power Administration's (BPA) amended proposal to reduce summer spills at Federal Columbia River Power Dams. The State of Alaska has expressed its concern over the BPA's evolving proposal in a number of letters, which we incorporate by reference in these comments. See Letter to Bob Lohn, Regional Administrator, NOAA Fisheries, & William Grisoli, U.S. Army Corps of Engineers, dated December 12, 2003; letter to BPA dated February 20, 2004; and letter to BPA dated April 26, 2004.

The State of Alaska has two major concerns that drive our opposition to the amended summer spill proposal. First, we are concerned that the proposal will have significant impacts on the fisheries managed under the Pacific Salmon treaty. Second, we believe that the BPA is seeking to use measures that should be considered mitigation for normal operations at the spill levels prescribed in the 2000 BiOp as mitigation for reduced spill.

Although we have not had adequate time to evaluate hard data and provide informed comment on the proposal, we are particularly concerned about likely impacts to the chinook model that is utilized for management of a significant number of chinook stocks under the Pacific Salmon Treaty. The Lyons Ferry stock is a hatchery indicator stock for ESA-listed Snake River Fall chinooks; changing from subyearlings to yearlings will have impacts on the model. Fish that are larger at release show increased survivals; therefore, this shift will likely create a new, unacceptable level of uncertainty within the model's estimation of survival because the same group of fish will be released as both subyearlings and yearlings.

Furthermore, preliminary estimates of the impacts of the Proposal by one member of the Pacific Salmon Treaty's Chinook Technical Committee's Analytical Work Group indicate that the Proposal will result in very substantially reduced harvests in future years in Southeast Alaska's fisheries.

The State of Alaska believes that the mitigation measures being proposed are properly considered as offsets to the normal operation of the Federal Columbia River Power System (FCRPS) dams under the spill regime prescribed in the December 21, 2000 Biological Opinion (2000 BiOp). The 2000 BiOp found that even with the prescribed hydro actions—including spill and flow control—the FCRPS operations would result in significant mortality. In order to avoid jeopardy, NMFS advised that additional off-site mitigation measures would be required. 2000 BiOp at 9-2. BPA's proposed curtailment of spill, to be offset by off-site mitigation measures, appears to conflict with the 2000 BiOp direction that off-site mitigation is required *in addition* to prescribed spill and flow levels.

Indeed, it is our understanding that off-site mitigation is intended to mitigate outside of the FCRPS for losses that are unavoidable within it. The reduction in summer spill sought by BPA is not unavoidable. That BPA has proposed to reduce summer spill is particularly troubling given our understanding that apart from the general success achieved in 2002, the BPA has not met the levels of summer spill identified as necessary to improve juvenile fish passage and survival in recent years. Having consistently fallen short of those benchmarks, the present request for reduced summer spill is a poor indicator of progress in meeting the standards for avoiding jeopardy set forth in the 2000 BiOp. Additionally, reducing summer spill will likely reduce the net survival benefits of other actions. That is counterproductive to the purpose of recognizing off-site mitigation. Even under normal operation, passage success and interdam loss are a serious problem.

Moreover, to the extent that other entities are claiming mitigation credits for the same program or operation proposed as an offset to reduced spill, that is improper. For example, Grant PUD is relying on the Hanford Reach anti-stranding operation in support of its mitigation obligation in its FERC relicensing proceeding. Such double counting is not proper.

Because the comment period is so short and our necessary technical experts were not available, the State of Alaska has not been able to properly assess whether the reductions BPA made in claimed benefits for the Hanford Reach operation were sufficient. Nor was there time to assess the competing mortality assessments. But it must be acknowledged that in the short period of time during which the agreement on flow protocol has been in force, there have already been several violations. This suggests that the claimed benefits may be at least somewhat more elusive than real.

Because the proposal has a substantial likelihood of negatively affecting the management of our fisheries under the terms of the Pacific Salmon Treaty and may not adequately advance the safe passage of Columbia River salmon stocks, the State of Alaska opposes the amended proposal for summer spill reductions.

Sincerely,

/s/ Kevin C. Duffy

Kevin C. Duffy
Commissioner

cc: Alan Austerman, Special Assistant, Office of the Governor, Alaska