



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207  
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

June 14, 2004

Brigadier General William Grisoli  
NWD Corps of Engineers  
Post Office Box 2870  
Portland, Oregon 97208-2870

Steve Wright  
Bonneville Power Administration  
905 NE 11th Ave / PO Box 3621  
Portland, Oregon 97208

Dear General Grisoli and Mr. Wright:

The amended summer spill proposal of June 8, 2004 represents a considerable improvement over previous proposals. Virtually all of the concerns we detailed in our February 20, 2004 letter addressing an earlier summer spill reduction proposal have been rectified. Thank you for your responsiveness as the current proposal appears conceptually satisfactory and workable. However some portions are still vague, and therefore we cannot determine with certainty that the proposal meets the mitigation standard provided by the Four Governors letter of March 29, 2004. We provide our comments to assist the Action Agencies in finalizing the proposal, and to reiterate our one previous concern that still has not been addressed. We assume that all of these can be satisfactorily addressed in the near future.

- 1) There has been concern expressed that the Brownlee water may not be "new" water, and clearly if it is not new water then it does not provide an offset for listed Snake River fall chinook. We believe that an explicit assignment of control over this July block of 100 kaf to the Technical Management Team (TMT) should satisfy these concerns. The TMT could use in-season information on migration rates, temperatures and flows to determine the most effective use of this water to improve survivals.
- 2) The proposal should explicitly state that Removable Spillway Weirs (RSWs) and other improvements will be tested and used during the summer months. Recent years data on survival of summer migrants that remain in-river versus those that are transported clearly indicate that in-river migration remains an essential component of an effective downstream passage program.

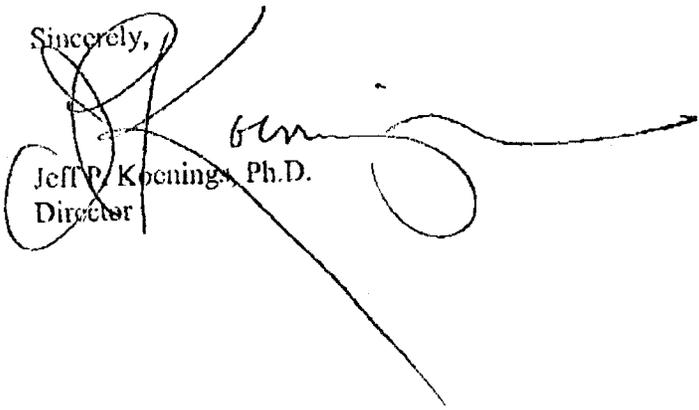
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- 3) We continue to have concerns about the manner in which the proposal describes the Hanford Reach anti-stranding. There may still be an attempt to "double count" the mitigation credit for this proposal, an issue we addressed in our February letter. The in-season extension that the Parties provided in 2004 did provide real protection and survival benefits, if such an arrangement were formalized for future years that would likely resolve our concerns. We had understood that the 2004 extension was partly an attempt to mitigate for start-up problems associated with implementing the new agreement.
- 4) The funds for hatchery and habitat improvements, as described in this proposal, lack any certainty about who, how or when. It should be emphasized that these funds be used only to offset losses to fish negatively affected from cessation of summer spill.
- 5) As an unfortunate consequence of de-linking the 2004 summer spill proposal, the proposed Lyons Ferry Hatchery production increase and Lower Granite trap modifications have been de-linked from the brood 2003 rearing change at Lyons Ferry Hatchery. At this time, many of the U.S. v. Oregon parties do not support the brood 2003 change in isolation from the other proposals. Thus, we will be releasing the brood year 2003, 200,000 Snake River fall chinook as sub-yearlings this June.

Thank you for the considerable attempts that have been made to resolve our concerns with the initial proposal, and we anticipate seeing these final concerns satisfactorily resolved.

Sincerely,

  
Jeff P. Koenings, Ph.D.  
Director