

ATTACHMENT C
Albeni Falls Dam
FY 2012 ACTION PLAN

I. Introduction

Section II.C.2.b of the Memorandum of Agreement (MOA) identifies a coordination process as the forum for discussing ongoing and proposed actions at both the policy and technical level concerning effects on fish, wildlife, and water temperature. The MOA calls for the Corps, BPA, and Kalispel Tribe to collaborate on the development of an Action Plan (“AP”) for the Albeni Falls project to address bull trout passage, water temperature - related activities, and other activities that could benefit from planned coordination. The Action Plan will be updated annually.

In accordance with the foregoing requirements, this is the FY 2012 AP, which will be collaboratively updated by the Tribe, BPA, and the Corps prior to the beginning of each fiscal year for the duration of this agreement.

II. Action Plan Purpose

The purpose of this and all future APs is to timely achieve the long term objectives set forth in the MOA, Sections II.B and II.C. by:

- Documenting actions completed in the preceding fiscal year (October 1 – September 30), and the status of any planned but uncompleted actions (including an explanation for any delays or plan changes);
- Identifying specific priority actions—including a schedule of tasks, key milestones, and necessary funding requests—to be taken in the upcoming fiscal year based on the status of available funding; and
- Identifying projected key actions, milestones, and funding needs for future fiscal years.

III. Annual Coordination Process

A. Discuss project cost estimates for FY+2 (January, FY)

The Parties will discuss key priorities for the Corps’ FY+2 budget request for Albeni Falls Dam. Budgets are typically submitted to the Corps’ Northwestern Division office (NWD) at the end of May.

B. President’s Budget for FY+1 (February/March, FY)

The Parties will meet to discuss what was in the President’s Budget for FY+1 for Albeni Falls Dam, and to develop funding strategies for any anticipated budget shortfalls.

C. Preparation of the FY+1 AP (August, FY), *Face to Face*

Policy representatives of the Tribe, BPA and Corps will meet approximately one month before Labor Day and annually thereafter to review the implementation of the prior year's AP. They will document actions completed in the preceding fiscal year and the status of any planned but uncompleted actions (including an explanation for any delays or plan changes). Lessons learned and improvements will be identified and incorporated into the upcoming FY's AP.

D. Funding Plan for FY+1 (August, FY)

The Parties will begin to finalize priorities for the upcoming fiscal year. If funding from Corps' appropriations is insufficient to finance performance of the Parties' agreed-upon priorities, the Parties will consider reprioritizing work within available funds and will seek alternative funding as appropriate.

IV. Current FY Activities

A. Re-initiation of Consultation with USFWS regarding operation of the FCRPS / Development of Proposed Action for Albeni Falls Dam (Summer 2012)

The Parties will work together as described in the MOA Section II.B.2 to identify, develop, and prioritize actions that avoid jeopardy to bull trout and adverse modifications to their critical habitat for inclusion in the FCRPS Proposed Action for Albeni Falls as follows:

1. Bull Trout Passage Component of Action at Albeni Falls Dam

a. Preparation and Approval of Preliminary Report

The Corps is preparing a preliminary report in collaboration with the Tribe. The objective of the preliminary report is to: (1) document all work to date under the 2000 USFWS FCRPS BiOp; (2) aid in re-consultation; and (3) aid the Corps in determining the most appropriate planning process and funding path for fish passage should it be determined feasible. The Corps' goal for FY12 is to produce written documentation regarding the planning and funding path to be taken in pursuing funding in future FYs. The Corps completed a preliminary draft in April 2012, will finish a final draft in June 2012, and is planning to finalize the report and provide written documentation in late summer 2012.

b. Phase 1 Denil Fishway Interim Action

The Tribe will attempt to locate a surplus Denil Fishway (and investigate the cost of constructing a new one). If a suitable structure is identified and BPA and the Tribe determine cost is not prohibitive, the Tribe will work with the Corps and BPA to develop a plan for further development of the trap, permitting, and other

environmental compliance needs, such as minimizing impacts to operations and avoiding detrimental impacts to flood control. The objective of this effort will be to install an operative trap by the spring of 2013.

2. Operations Component of the Action at Albeni Falls Dam

Pursuant to the ESA, the FCRPS Proposed Action for the consultation with the USFWS (described in the MOA Section II.B.) will identify how the Action Agencies plan to operate the FCRPS projects, including Albeni Falls Dam, to meet authorized project uses. Regarding Albeni Falls Dam, these uses include continuing ongoing operations for flood risk management, power generation (including the Flexible Winter Power Operation), recreation, navigation, and fish and wildlife. Proposed Albeni Falls Dam operations will be developed in coordination with the Tribe, and managed adaptively to ensure to the extent practicable, that operations benefit fish and wildlife affected by the FCRPS and are consistent with ESA responsibilities.

While the re-initiated consultation is underway, the Parties will meet approximately one month before Labor Day to consider and determine if implementation of the post-Labor Day experimental release that is incorporated into the annual Water Management Plan, is warranted that year as described in MOA Section II.C.2.a.

B. Albeni Falls Dam Operational Releases for Downstream Water Temperature Moderation Supportive of Bull Trout and Other Aquatic Species in the Pend Oreille River

The Parties will work collaboratively to accomplish the three-phased evaluation described in MOA Section II.C.a(3). During this FY, the Parties will work on the following actions: (1) technical evaluations to assess effects of releases on downstream water temperatures, developing criteria for timing and volume of a post-Labor Day experimental release operation, and developing a monitoring plan; (2) a policy team recommendation concerning triggering conditions for and the timing, duration, and magnitude of a post-Labor Day experimental release operation; and, (3) developing language to incorporate the policy team's recommendation for a post-Labor Day experimental release operation into a System Operations Request to present to the Technical Management Team for discussion among sovereigns per MOA Section II.C.2.a. Specific action items include:

1. Set A Modeling Scenarios Presented to the Tribe for Comment (November 2011)

The Corps has worked on modeling the first set of operational scenarios as part of phase 1. Four scenarios each were modeled for meteorological conditions using historical data from water years 2005 and 2006. Modeling scenarios agreed to by the Corps and Tribe (Set A) included:

- 2 ½ foot draft of Lake Pend Oreille to 2060' starting post-Labor day
- 4 ½ foot draft of Lake Pend Oreille to 2058' starting post-Labor day
- 4 ½ foot draft of Lake Pend Oreille to 2058' starting pre-Labor day (15 AUG)
- Base Case—actual operations for the water year

2. Set B and C Modeling Scenarios Complete (June 2012)

Modeling scenarios proposed by the Tribe (Set B) will be completed for four late-summer (Aug. 1st –Sept. 30th) constant flow scenarios of 4 thousand cubic foot per second) (Kcfs) (operational minimum), 6 Kcfs, 8 Kcfs, and 10 Kcfs for each of the three modeled years, 2004, 2005, and 2006. These simulations will assume the historic conditions were followed until the 1st of August and constant flow and water surface conditions are maintained through the end of September. The Corps will also complete several of its own proposed modeling scenarios (Set C) to attempt to better understand how flows may be managed under different meteorological conditions to reduce temperatures downstream.

3. Corps Status Update Complete (June 2012)

The Corps will draft a status update documenting technical analysis and modeling efforts to date. The status update will include descriptions of modeling scenarios run, summaries of results, and a discussion interpreting the results to date. The Corps will provide a status update to the Tribe for their review at least 15 business days before the July 2012 technical team meeting. If the Tribe has any comments on the status update it will submit those comments in writing 5 business days prior to the technical team meeting.

4. Technical Team Meeting (July 2012)

The Corps and the Tribe will meet to discuss modeling efforts to date, how to interpret and assess the model runs, and to determine next steps in the project, including the need for additional modeling or analysis. If additional modeling is mutually agreed to by the Tribe and the Corps, the new information will be incorporated into a revised status report and discussed at a technical meeting subject to the timing parameter outlined above.

5. Technical Report Complete

A technical report will be prepared to document the modeling effort and results to provide the policy team with the technical information it needs to assess whether dam operations can be modified during late-summer to decrease water temperatures. The Corps will provide the Tribe with a draft of this technical report that describes the results of the collaborative modeling effort by the Corps and the Tribe. The Tribe will submit written comments on the draft report, and the two parties will meet to discuss the Tribe's concerns and potential revisions to the report. The Corps will then finalize the technical report to address any mutually agreeable concerns, and provide

the Tribe with a copy of the final report. If there are unresolved concerns, the Tribe will issue a written response, which will be submitted with the Corps' final technical report to the Policy team.

6. Policy Meeting (Fall 2012)

The Tribe, Corps, and BPA policy representatives will meet to be briefed on the technical report. The policy team will resolve any significant outstanding technical conflicts by conferring with a mutually agreeable independent review panel, and may develop a revised schedule of deliverables for the technical team. The majority position of the independent review panel will become the technical recommendation to the policy team. If there are no outstanding technical disputes of significance, the policy representatives will adopt a plan that specifies triggering conditions for a post-Labor Day experimental release. Outstanding technical disputes shall be resolved by the policy team taking into account the best available science and criteria that are most protective of bull trout.

The policy team will also discuss modeling results as they relate to a pre-Labor Day release, and if sufficient information is available to suggest such a release would improve downstream temperatures in the Pend Oreille River, the Parties will begin to discuss the necessary processes to further assess effects of a pre-Labor Day release which will be the focus of phase 3.

C. Other Activities as Agreed to by the Parties

No other activities are currently planned for this FY.

V. Planned Future FY Activities

The following actions are anticipated to occur after FY 2012.

A. USFWS FCRPS Biological Opinion

1. Bull Trout Passage at Albeni Falls Dam

a. Continue Fish Passage Planning (2013 and beyond)

The Corps will pursue the funding and planning path decided at the conclusion of the preliminary report (described in Section IV.A.1.a. above) in August 2012.

b. Phase 2 Denil Fishway Interim Action (2013 and beyond)

If a Denil Fishway can be located, the Tribe will install and begin operating the structure in the spring of 2013 if practicable. If the structure is successful at capturing target species, the Tribe will continue operations until a more

permanent structure is constructed. If the structure is not successful at capturing target species after a reasonable time, the Parties will select an alternative location and/or operating plan and implement the alternative as quickly as possible.

c. Corps' Entrainment Studies (2013/2014)

As part of the Proposed Action for the FCRPS consultation, the Corps plans to include two entrainment studies that would inform the need for any downstream passage facility at Albeni Falls Dam: (1) an injury/mortality study, and (2) a rates/route/timing study that would look at overall entrainment of bull trout along with other species at Albeni Falls Dam. In the event of limited funding, higher priority would be placed on conducting an injury and mortality study using tagged surrogate salmonids sent through the turbines and over the spillway to determine the detrimental effects of entrainment at Albeni Falls Dam. Secondary priority would be placed on an overall study of entrainment rates, timing, and routes through the dam by sampling fish that are entrained and estimating overall entrainment values for bull trout as well as other species. The Corps will solicit input from the Kalispel Tribe as to the scope of these studies; if there are further opportunities to involve the Tribe in the conduct of the studies, the Corps and BPA will make every effort to take advantage of them.

B. Albeni Falls Dam Operational Releases for Downstream Water Temperature Moderation Supportive of Bull Trout and Other Aquatic Species in the Pend Oreille River

1. Regional Coordination of Operations (July FY)

If a post-Labor Day experimental release is recommended in any given year by the Tribe, BPA, and the Corps, they agree to work collaboratively through the regional coordination processes to implement the operation. This includes providing technical information and supporting the rationale for operations at public meetings, the Technical Management Team meetings, or other regional forums. The post-Labor Day experimental release operation will take into account criteria that are most protective of bull trout to the extent practicable.

2. Post-Labor Day experimental release and monitoring (September FY)

The Corps will release flows for downstream temperature moderation post-Labor Day consistent with the process outlined in the MOA Section II.C.2.a. The release will be monitored as agreed upon by the Parties.

3. Policy check-in on the outcome of experimental operations (December FY)

Policy representatives of the Tribe, BPA, and Corps will meet annually in December to review any test operations, results of monitoring, and the regional coordination

process. Lessons learned and improvements will be identified and incorporated into plans for future experimental releases.

4. Create a long-term operational plan to support downstream water temperature supportive of bull trout and other aquatic species in the Pend Oreille River to the maximum extent practicable (Ongoing)

The collaborative work under phases 1 and 2 of the joint water temperature investigation set forth in this AP is intended to inform a long-term operational response in conjunction with phase 3. The Corps, Tribe, and BPA agree to work toward completing all three phases as expeditiously as possible, recognizing that individual components of this investigation may be implemented as they are developed.