

From: Jim Baker - Sierra Club [sierraclub@pullman.com]
Sent: Thursday, March 30, 2000 9:44 PM
To: Federal Caucus
Subject: Comments on Biological Assessment

Sierra Club
Columbia Basin Field Office
2703 Klemgard Rd.
Pullman, WA 99163
(509) 332-5173
FAX: (509) 332-1513
sierraclub@pullman.com

March 31, 2000

Bonneville Power Administration
U.S. Bureau of Reclamation
U.S. Army Corps of Engineers
Federal Agencies Caucus Comment Records
c/o Bonneville Power Administration
707 W. Main St., Suite 500
Spokane, WA 99201

RE: Comments on draft Biological Assessment

Dear Sirs and Mesdames:

On behalf of the Sierra Club, this letter comments on the draft "Multi-Species Biological Assessment of the Federal Columbia River Power System" (BA) prepared by the Bonneville Power Administration (BPA), Bureau of Reclamation (BuRec), and U.S. Army Corps of Engineers, and released to the public on December 17, 1999.

We have identified two fatal flaws in the draft BA: (1) a complete lack of proposed "reasonable and prudent alternatives" for actions to protect listed salmon and other fish species at federal dams in the Columbia Basin, and (2) a rigid demand in the BA to continue juvenile fish transportation out of the Snake River Basin.

No Proposed Actions: Under section 7 of the Endangered Species Act (ESA), whenever these three actions agencies request a finding of "no jeopardy," they must propose "reasonable and prudent alternatives" to protect ESA listed species. Not only does this draft BA not do so, the three action agencies candidly admit that "this document does not present detailed descriptions of the species or the effects on those species from the described actions" (p. 5 - 1).

The proposed "Construct for Achieving Survival Improvements" (section 4.1) and performance standards (section 4.2) are simply no substitute for providing a detailed list and explanation of proposed actions in the BA. This is particularly true when these action agencies which operate federal hydropower dams in the Columbia Basin demand actions in the other three "Hs" -- habitat, hatcheries, and harvest -- over which BPA, BuRec, and the Corps have zero authority or jurisdiction (p. 4 - 1-2).

The "Construct" is also not responsive to the ESA when the agencies further admit that "it remains to be seen whether the proposed Construct will prove to be workable in the time available for this consultation" (p. 4 - 4). The ESA and listed salmon, steelhead, and other fish of the Columbia Basin demand action now -- not a "Construct," and not whenever it proves "workable."

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No Change in Juvenile Fish Transportation: At various points in the draft BA, the action agencies insist upon no changes of juvenile fish transportation in barges and tanker trucks under the current Corps program. For example, in Figure 4-1 which provides a schematic of the proposed "Construct," a footnote states, "This standard [hydro system in-river survival] is not intended to change the current proportion of transport versus in-river migration" (p. 4 - 2).

This is objectionable for two reasons. First, the draft BA provides no descriptions, much less any such details, for any other proposed actions. In this draft document, any and all hydrosystem actions are on the table and up for grabs -- except for juvenile fish barging.

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Second, according to scientific peer reviews by the Columbia Basin Fish and Wildlife Authority (1992), an independent panel for the U.S. Fish and Wildlife Service (1994), the National Research Council (NRC, 1995), the Independent Scientific Group (ISG, 1996), the Independent Scientific Advisory Group (ISAB, 1998) co-sponsored by NMFS, and the Process for Analyzing and Testing Hypotheses (PATH, 1998), neither the current nor an expanded juvenile fish barging program can prevent the extirpation of Snake Basin salmon and steelhead. In light of this substantial body of expert scientific judgment, the draft BA should propose ways in which to phase out or halt juvenile fish transportation, but in point of fact, it does the opposite.

In conclusion, this draft BA does not begin to fulfill the action agencies' obligations under the ESA. If the action agencies do not revise the document substantially before submittal to the ESA enforcement agencies, the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) will have only two options: (1) ignore the BA, or (2) find "jeopardy" to listed fish species by the continued operation of the Federal Columbia River Power System. Any other action would violate the ESA.

Thank you for this opportunity to comment on the draft BA.

Sincerely,

Jim Baker
Northwest Salmon Campaign Coordinator

[for] Edwina Allen
Northwest Regional Vice-President

[for] Bill Arthur
Northwest Regional Director
Sierra Club