



1500 NE Irving, Suite 200  
 Portland, Oregon 97232  
 (503) 232-2427  
 FAX (503) 239-5959

March 17, 2000

Federal Caucus Comment Record  
 C/o BPA-PL  
 707 W. Main St., Suite 500  
 Spokane, WA 99201

Dear Federal Caucus:

Thank you for this opportunity to comment on the December 1999 "All-H Paper". The Public Power Council (PPC) commends the nine federal agencies for joining forces to approach the Pacific Northwest salmon issue from a wider scope, multi-species perspective and for seeking solutions that provide benefits to salmon populations throughout their lifecycles.

PPC finds that the All-H paper reflects numerous advances over previous reports. *Yet, there are so many inadequacies in the All-H paper -- it is so far from being a draft recovery plan -- that we strongly recommend the Federal Caucus issue a second draft for public comment before finalizing it.* Here is a summary of three key issues; PPC's detailed comments, which are attached, address additional points.

- 1 • We believe that a major shortcoming in the management of the salmon recovery effort is the **failure to instill a sense of teamwork** in the dedicated and talented regional players. That should be the number one priority of the Federal Caucus. The players work hard, but not as a well-coached team that sees teamwork as more important than individual success. It is hard to win when the members of the team are blocking each other's shots.
- There is a **fundamental fisheries policy question** that the Federal Caucus has failed to answer. There is so much at stake, in so many sectors of society, that the federal government cannot defer and equivocate any longer. If the federal agencies cannot answer the question, the courts or Congress will have to. They may have to anyway.

PPC understands that there are two fundamentally different options available to implement the ESA and tribal fishing rights. The option that NMFS, Oregon and Washington have apparently chosen is to distinguish between two categories of fish -- those protected under the ESA and those that are available for harvest (hatchery fish). The option that the Columbia River Intertribal Fish Commission supports is not to distinguish between these two types of fish.

This is not a theoretical issue: it is a real time question that has to be answered because this year's run of spring chinook may contain as many as 80,000 or more "surplus" hatchery fish. The hatchery fish that arrive to spawn will either be allowed to spawn or be killed prior to spawning.

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cont.

Numerous policies, including harvest and hatchery management, are dependent on the option selected. Right now, it looks like the Federal Caucus is unable to make a clear decision. The result is likely to be a "lose-lose" situation for ESA and tribal goals. By failing to develop a consistent policy for protecting and restoring wild salmon protected under the ESA while simultaneously allowing harvesters to exploit surplus hatchery fish, the Federal Caucus is continuing to follow the failed fisheries management practices of the past. These very policies are at the root of the region's current salmon problems. Without a clear plan to achieve the goals articulated in the ESA and production goals promised in the treaties with Native Americans, the region will continue to make huge investments in an effort that will fail to achieve either goal. The Federal Caucus has a responsibility to resolve the conflicts between the NMFS scientists and fisheries managers who desire to let hatchery fish spawn, and NMFS' own policy of increasing the mixed stock harvest rate on ESA-protected spring chinook to an unbelievably high 9%, while at the same time seriously evaluating removing dams to help speed recovery. This continued mixed stock harvest policy is not consistent with NMFS scientists' arguments for protecting the seven index populations in the ESU.

- With regard to operation of the **hydro system**, the Federal Caucus has made it clear in the All-H Paper that serious consideration is being given to breaching dams and/or providing increased flow augmentation and spill. This appears to fly in the face of NMFS' own scientific analyses -- work being conducted by the Northwest Fisheries Science Center on survival data and opportunities to increase survival.

If the federal agencies are intent on calling for massive economic dislocation in the name of the ESA, they owe it at least to the public to be clear and consistent about what they are doing and why.

PPC looks forward to working with the Federal Caucus on the numerous issues addressed in these comments.

Sincerely,

Robert Walton  
Assistant Manager

Attachment

## PPC COMMENTS ON THE FEDERAL CAUCUS "ALL-H" PAPER

These comments are intended to provide feedback on the All-H Paper and the Biological Assessment on the Federal Columbia River Power System (FCRPS). They are organized as follows:

- I. The All-H Paper should be reissued as a second draft for comment
- II. The most important "H" is for Human
- III. In search of clear public policy, a guiding vision, and more specific goals
- IV. The options: criticisms and suggestions
- V. The integrated alternatives: criticisms and suggestions
- VI. PPC supports the use of biologically-based performance standards

### I. The All-H Paper should be reissued as a second draft for comment

The All-H paper reflects numerous advances over previous reports. *Yet, there are so many inadequacies in the All-H paper -- it is so far from being a draft recovery plan -- that we strongly recommend the Federal Caucus issue a second draft for public comment before finalizing it.*

### II. The most important "H" is for Human

- A. **The human factor.** A great many people are involved in the effort to rebuild salmon runs; they collectively devote an enormous amount of talent, money and time to this issue. Much of what they do, however, is focused on their human adversaries instead of improving the ecosystem or salmon production and harvest.

A sports analogy is helpful in describing what may be the single greatest challenge to salmon recovery -- as well as offering a solution. The analogy to salmon recovery is the story of the Chicago Bulls basketball team. Arguably, they had the best talent in the league: the best player, strong supporting players and a brilliant coach. But even though Michael Jordan was the top scorer in the league, the team didn't win a national championship for a number of years. When the Bulls figured out that they needed to play as a team, rather than a bunch of individuals, they were unbeatable.

- B. **Teamwork.** As in the Bulls analogy, the players in the effort to rebuild the salmon runs are working hard, but not as a well-coached team that gives teamwork a higher priority than individual success. Indeed, we are more likely to measure success by the annual budget of our organization than by the increase in the number of spawners. The status quo, unfortunately, is analogous to the Chicago Bulls' players blocking each other's shots. Does anyone think we can restore salmon if we keep playing this way? The dismal performance of the region in terms of teamwork should be a profound embarrassment to the players and the coaches.

- C. **Incentives.** The Federal Caucus could lead the region to change this sad state of affairs. We would like to see the best available science used to allocate mortality by life stage linked to institutional responsibilities in each sector of society. The result: biological performance standards that provide organizations with clear goals, assignments and responsibilities to improve survival or decrease mortality in their zone of responsibility. We believe the concept of biologically-based performance standards, as outlined by BPA in the Hydro BA, can and should be adopted for all H's. By creating an incentive for each organization and sector of society, we would take a huge step toward becoming team players as opposed to combatants.

### III. In search of clear public policy, a guiding vision, and more specific goals

- A. **The goals according to the All-H Paper.** The five goals in the current document are an improvement over those in previous documents because they are clearer. Unfortunately, they are contradictory -- directing the region in divergent directions. The failure to address this divergence is a fundamental flaw in the All-H Paper.
- B. **"The CBFWA problem".** The "CBFWA problem" refers to the fact that two federal agencies, four state agencies and thirteen tribes that belong to the Columbia Basin Fish and Wildlife Authority (CBFWA) have not reached agreement on a number of fundamental public policies regarding salmon. Each member has legal authority to manage certain fish or wildlife policies. There is an enormous amount of experience, talent and energy within CBFWA, but collectively the members lack clear, authoritative leadership and the tribes and agencies have not demonstrated an ability to consistently resolve important differences. Again, it's the members of the team blocking each other's shots. Here are some examples.

Why do we want salmon? The goals in the All-H paper include conservation of species and tribal fishing rights. The Multispecies Framework process includes seven contrasting alternatives, each based on a different vision of the basin, society and fish and wildlife policies. It is obvious that there is no consensus about what we are managing for -- what success would look like. Without that foundation, it's no surprise that we don't know what strategies would be likely to provide the best overall solutions.

Are we going to manage one kind of salmon, or two, or 40? The NMFS home page boldly asserts that "Extinction is not an option", but it isn't clear enough just what it is that we're supposed to "avoid extinction of". NMFS has yet to clarify how, in the real world, the concepts of Evolutionarily Significant Units (ESUs) and Viable Salmonid Populations (VSP) will be implemented relative to the stated goal of increasing salmon harvests. There will be enormous consequences to many parts of society depending on how that policy call is made. Tribal fishing is just one example.

NMFS, Oregon and Washington indicate they want to manage for two kinds of fish (one naturally spawning and protected by the ESA, another kind -- hatchery fish -- marked for harvest). Some of the tribes strongly oppose the NMFS policy to distinguish between protected and hatchery fish. The result is that each side (NMFS and ODFW vs. some tribes) has been able to block efforts by the other, but not consistently. The players are

blocking shots made by their own teammates. That isn't good basketball and it isn't good public policy.

The issue gets far more complex with respect to Viable Salmonid Populations. NMFS scientists have identified 25 or more (up to 407) "independent" populations within the Snake River Spring/Summer ESU. The implication is that all are important and should be saved from extinction. We understand some of the tribes and a number of fisheries scientists think this is unnecessary and impractical. We refer the Federal Caucus to PPC's comments on the NMFS VSP paper.

Some examples of the confusion created by a lack of clear policy follow.

- To spawn or not? One example of policy indecision is what to do with "surplus" or "excess" hatchery fish that return. NMFS, Washington and Oregon tend not to let surplus hatchery fish spawn, concerned they "swamp" local naturally spawning populations. CRITFC takes the opposite position, arguing these adult salmon, having survived all the obstacles, ought to be allowed to spawn because they represent an important opportunity to increase the number of salmon.

There is no clear and uniform answer to this risk management question: is it riskier to let the fish spawn?

Front page articles in the *Wall Street Journal* (2/7/2000) and *The Oregonian* (3/4/2000) reported the growing furor over the videotape and continuing controversy about ODFW employees using baseball bats to kill returning adult salmon as they tried to spawn in 1998. We believe the majority of the public doesn't understand what that's all about; the incident in 1998 will pale in comparison with the one this year if the projections and promises are correct. With the year 2000 run of spring chinook, there is a significant opportunity that a much larger number of salmon – tens of thousands – could be destroyed, including some in areas where habitat measures have created disruption in local economies. The public reaction could be unprecedented and the media could have a field day.

- To mark or not to mark. In order to select between two kinds of fish, NMFS and ODFW want to mark (fin clip) hatchery fish. CRITFC opposes this, and some call it "mass mutilation."
- Selective harvest or gill nets? In the harvest area, the policy disagreement is inextricably linked to hatchery strategies. Depending on what the role of hatcheries will be, harvest rates, methods and strategies are very much at issue. Some harvest managers want harvest rates to go up as strong stocks rebuild (as they will this spring). Others are adamant that the rates must stay low to protect weak natural populations in order to prevent continuation of the "mixed stock problem." (See PPC letter to NMFS and paper, dated November 12, 1999).

A compromise that raises the mixed stock harvest rate a little will ensure neither ESA nor harvest goals are met any time soon.

NMFS and Oregon Department of Fish and Wildlife representatives have told PPC staff that selective fishing (terminal fisheries, selective gear, etc.) is a key to recovery of listed species and continued harvest because it could lead to increased harvest of hatchery fish and reduced harvest of protected fish. Some tribes, however, oppose any policy that would distinguish between the two types of fish. In the meantime, PPC tried to stimulate support for BPA funds being used to test selective gear and techniques in 2000, but found either lack of enthusiasm or opposition to the idea, except for Salmon For All in Astoria. As far as PPC can tell, no one else is advocating a fast-track test of gear except the power industry.

If the CRITFC production strategies were adopted, a non-selective fishing strategy could make sense, but not if managers still manage for naturally spawning fish.

- The role of hatcheries. CRITFC supports extensive use of supplementation to support weak stocks, at least for now; NMFS isn't ready to allow that. One question that has wide-ranging implications is -- if the newly authorized Nez Perce hatchery succeeds, will NMFS allow it to continue to operate? PPC believes that BPA's customers, who have paid for hundreds of millions of dollars worth of hatchery programs, deserve to know when NMFS will formally establish and implement a long-range policy on the use of hatcheries that incorporates ESA and harvest policies.

Deciding what species have priority. The management agencies need to clarify what the priority populations are in all sub-basins and watersheds. It is important to know which animals have priority (including those listed under the ESA) because most people would agree there are insufficient resources to do everything for everyone. Management agencies disagree, in some instances, about which stocks or populations should have priority (or even exist) in some areas. There exists a few past and current examples; the fisheries management agencies could provide a complete list.

- Sockeye v. tourist trout. The State of Idaho poisoned lakes in the past in an attempt to replace sockeye salmon with tourist-enticing trout. Later, implementation of the ESA reversed that policy, but only after all H's and poison had weakened the Snake River sockeye populations.
- Hatchery vs. wild lower river coho. The draft All-H paper contains a fascinating omission. On page 14, in Section 1.2 entitled "Species Status" are the following sentences: "In 1991, NMFS listed Snake River sockeye as endangered, followed closely by listings of Snake River spring/summer and fall chinook. NMFS has listed 12 Columbia River Basin salmon and steelhead Evolutionarily Significant Units (ESUs) as threatened or endangered under the Endangered Species Act."

It is telling that the authors conveniently failed to mention that there were five, not four petitions to NMFS. Lower river coho was the only one of the five "species" subject to petitions that was a) below the dams; and b) so depleted as to be considered by NMFS to be effectively extinct. The major reason for the extinction of the lower river coho is not in doubt. It was decades of public policy to produce large numbers of hatchery fish, set high harvest rates on those hatchery stocks, and not worry about

the decline of the naturally spawning fish. Recent statements by fisheries management agency employees to PPC staff confirm that the state agencies knew what they were doing and knew what the impact would be on naturally spawning fish.

- Snake River fall chinook vs. Snake River steelhead. This is another example of continuing differences in public policy. The State of Idaho tends to place a higher priority on steelhead, while NMFS and several tribes tend to give priority to fall chinook. A dilemma is created as to the use of the water stored behind Dworshak Reservoir. Should it be used in the late summer when flow levels have dropped and water temperature increases are considered a problem, or in the spring when juvenile spring chinook and steelhead are traveling downstream? PPC argues that the fisheries managers need to set priorities and state them clearly. We address this in more detail in the section on performance standards.

- C. **Is a grand salmon vision possible?** Yes. And it is long overdue. A teamwork approach is needed so we can work together, supporting each other instead of blocking each other. Yet the key question remains to be answered: what would success look like?

A successful management plan must be designed to ensure a healthy environment, without failing because hatchery/harvest policies undermine the ESA effort.

The All-H Paper ignores the fundamental disagreements within the fisheries management community about the goals. Unless the Federal Caucus, Council and others specifically and affirmatively address the inconsistencies within the goals, success is not possible, no matter how healthy the habitat is and how many dams are removed.

Here are two possible visions and big picture strategies at the "30,000 foot" level:

Rational ecosystem management, cost-effectiveness and two alternate fisheries management strategies:	
Efforts around the region to protect and improve the salmonid ecosystem (including mainstem rivers) will be designed and promoted to the public in a clear manner that explains the overall (realistic) strategy. Priorities will be set and balance will be sought in terms of where the habitat work is done and who pays for it.	
Manage for two kinds of fish: increased upriver production would be based on conservation and production hatcheries. Harvest management would be based on naturally spawning salmon and steelhead protected under the ESA, using marked hatchery fish and selective gear and strategies.	Manage for one kind of fish: aggressive supplementation programs throughout the habitat would enhance naturally spawning fish and create robust harvest for treaty tribes. The fish would not be distinguishable because the purpose of the hatcheries would be to produce naturally spawning fish, so tribal harvest would not need to use selective gear.
Cost-effectiveness would be built into the entire effort; tradeoffs would be considered when selecting among species, strategies and measures. If conflicts exist, clear priorities will be set.	
If it turns out that we as a society are not able to develop and implement rational, internally consistent, strategies that have a reasonable chance of accomplishing all our top priority goals, then we should invoke the "God Squad" and ask it to do what has been so elusive.	

#### IV. The options: criticisms and suggestions

The options in the All-H Paper are inadequate for a number of reasons. They should be revised in the context of a clear public policy, guiding vision and more specific goals.

- A. **Hydro options continue to focus on dam removal and flows.** The draft pays little attention to the best available science as contained in the NMFS White Papers released in late 1999 or the CRI effort. The NMFS White Papers on flow and survival and passage show there is little value from increasing flows in the spring for Snake River spring/summer chinook; two excerpts are included as appendices. The draft also fails to mention the comparison of opportunities to increase survival, as shown in the table from a CRI presentation to the Council in February, also included in the appendices.

The "Aggressive Program" relies on spending more money for increased flow augmentation in the Snake. This is an outdated approach that views the hydro system as having only two dimensions: dam passage and flow, and ignores the White Papers and CRI.

The entire system is even more complex. Major changes affecting passage survival have already been made and there are signs that we have reached the point of diminishing returns in flow, spill and passage improvements. The greatest biological benefits from the water available from Brownlee and Dworshak may be associated with temperature controls in the late summer and flows to help juvenile fall chinook migrate to Lower Granite to be transported. The existing flow requirements should be revisited to ensure we are using the available resources to their maximum value. It is quite possible there would be a larger net benefit if flow augmentation were reduced, allowing increased budget levels for hatchery and harvest reform or top priority habitat programs.

- B. **The harvest options are too narrow.** The three proposed harvest options need to be rewritten and described in conjunction with production strategies. The options as drafted range from the status quo mixed stock harvest levels that will ramp up the rate of harvest on listed stocks as they recover (or stronger fish populations increase), to conservation harvest levels that would be held at today's levels for a "period of years". All these options would exert continued mixed stock pressures on listed populations, assuming NMFS continues to manage for two kinds of fish. If NMFS supports selective harvest techniques and the Viable Salmon Population concept, stressing the importance of small weak naturally spawning populations, it must make those decisions clear and mandate selective harvest methods now.

There should be an alternative that includes a moratorium on harvest of listed stocks until delisting, including options that would implement significant harvest reforms. These could include weak-stock escapement-based harvest management combined with known-stock targeted terminal fisheries and live capture and release of all unmarked fish that could result in more, not less, harvest of hatchery fish.

If NMFS is to choose selective fisheries, it should make that clear to the public, and then require that all hatchery releases in the basin be marked so that a known-stock harvest can be implemented.

Harvest rates on fall chinook are not explained in the document. This appears to be a way of obfuscating and down-playing the significant mixed stock harvest that is occurring on fall chinook. We understand the combined harvest rate of ocean and in-river fisheries is in the range of 40 to 50 percent. How can the listed fall chinook in the Snake ever be expected to recover with such a high harvest rate?

We know it is difficult to change harvest management practices, but there are difficult options proposed in other Hs. Why shouldn't harvest options explore the full range of possible changes and use greater creativity to restructure and reform harvest management practices to protect listed species?

- C. **Hatchery options should be coordinated with harvest options.** The draft hatchery options should not be disconnected from the harvest options. There are two competing strategies for production and harvest, and they should be made clear in the next draft. In the strategy apparently supported by NMFS, Washington and Oregon, conservation hatcheries would not have a negative impact on listed populations and might be used to enhance them. Production hatcheries, with marked fish, would be used for harvest when they could do so without violating the ESA. The second strategy, supported by CRITFC, would utilize supplementation hatcheries to enhance naturally spawning runs for ESA and harvest purposes. The Options Section should provide more detail about how these two competing product/harvest strategies might work on a basin-wide basis, and what risks would be associated with each. Questions include: will NMFS require the marking of all hatchery fish that are targeted for harvest? How will the funds needed to reform the hatchery system in the region be obtained? Will new hatcheries be constructed to provide for increased harvest opportunities for the tribes? If so, will the historic increase in mixed stock harvest be replaced by new, selective strategies? Will NMFS allow an over-escapement to hatcheries that results in straying of hatchery fish into wild fish spawning habitat? The revised All-H Paper should include the preferred option.
- D. **The Habitat options need to provide guidance on how to set priorities.** It is clear that aggressive efforts to force expensive habitat measures on rural communities will produce a backlash. The backlash will be worse if there is no clear plan and if there aren't reasonable and clear priorities based on biological goals.

V. **Integrated alternatives: criticisms and suggestions**

- A. **The integrated alternatives in the All-H paper appear to be cut-and-paste compilations of familiar proposals.** This is not helpful. The Federal Caucus should integrate the goals and then design alternative strategies designed to achieve all of the goals to the greatest extent possible.

Integrated recovery planning is desperately needed. The All-H paper is a good start at beginning to take a broader view, but the "integrated alternatives" in the paper select one option from each H and treat it as if it is completely independent and disconnected from the other H's. It is time we developed a broad-based recovery plan that can explore the options to combine actions throughout the entire life cycle.

Even after nine years since the first petition, NMFS has yet to issue its Biological Opinions in a coordinated and integrated manner. It is time to stop giving lip service to integrating the H's and start issuing Opinions that are integrated, not isolated.

NMFS has proposed compartmentalizing the basin into six or seven recovery planning efforts. We are concerned this will only increase inefficiency and conflicts that will slow recovery and increase the mismanagement of available resources.

NMFS has listed 26 stocks of salmon and steelhead in the Northwest – so far. The widespread incidence of listings should tell us that there are many common problems affecting salmon and steelhead survival. Unfortunately, there appears to be little recognition of this and an almost total lack of coordinated planning and implementation.

NMFS has yet to list the near ocean as critical habitat, in spite of increasing evidence about the pivotal role it plays in the life of listed salmon. We asked NMFS to expand the definition of critical habitat over five years ago. NMFS should do this as soon as possible.

The interactions between hatcheries, harvest and habitat are critical to development of a rational recovery plan. Improved fresh water habitat, including the hydro system, can increase and improve survivals, but we have to have clear goals and follow the results of rigorous scientific measurement and evaluation research. If something is not working, we need to change quickly to realign our priorities to get to greatest improvement in survivals of listed stocks with the resources we have available.

## **VI. PPC supports the use of biologically-based performance standards**

- A. The overall concept of biologically-based performance standards across all H's** is the single most promising way to integrate the best available science with a more effective way to improve the contributions of the region's organizations and institutions. Once a clear game plan for salmon is developed, it will be important for the players in the region to understand what their role is, what their specific assignments are, and how each fits into the overall team effort. Each party should understand what tools are available and what the priorities are for each tool. Biologically-based performance standards by life stage and human institution can help to accomplish this.

Chapter Four of the "Multi-Species Biological Assessment of the FCRPS" (BA) provides an excellent introduction to this issue. We strongly support a continued effort to lay out, in as much detail as possible, the concept of biologically-based performance standards, opportunities for each human institution, and draft consequences of meeting or not meeting the assigned standards. Research goals should also be incorporated into the draft opinion, designed to provide significantly improved information for future use with performance objectives and standards. The figure in the Appendix illustrates the concept.

The addition of ocean stock indexes to the performance standards would potentially provide valuable information about the impact of ocean conditions on different populations of salmon.

- B. Performance standards and the FCRPS Biological Opinion.** The application of the current Biological Opinion for the hydro system is the source of great frustration and inefficiencies. PPC would like to suggest how improvements might be made. The concepts that follow could be made applicable in all Hs.

The current BiOp for hydro includes some guidelines, but doesn't provide sufficient clarity about overall biological priorities. It would help considerably if the BiOp provided a clear policy statement describing the biological priorities for each "asset". This could lead to biological performance goals and standards.

Assets available for use in the hydro BiOp include reservoir volumes, money and various specific measures. For example, should the top priority for Dworshak Reservoir be spring flow augmentation for spring chinook and steelhead, or late summer flow augmentation for temperature control for fall chinook or some other biological goal?

Without adequate guidance about the goals and priorities, based on the biological needs of the target species, there is too much opportunity for game playing, politics, and other nefarious pressures to reduce the effectiveness of the asset.

Environmental measurements such as flow targets have been used as surrogates for survival. PPC does not advocate elimination of these measurements yet, but urges NMFS to include biologically-based factors more closely linked to survival in the next BiOp.

Fisheries managers have been reluctant to set priorities in many arenas. However, if the State of Oregon can set priorities for human medical treatment in the Oregon Health Plan, the fisheries managers ought to be able to provide priorities for fish.

Parties have been calling for more accountability for years. Biologically-based performance standards appear to offer the best opportunity yet to establish a balanced set of assignments and accountability.

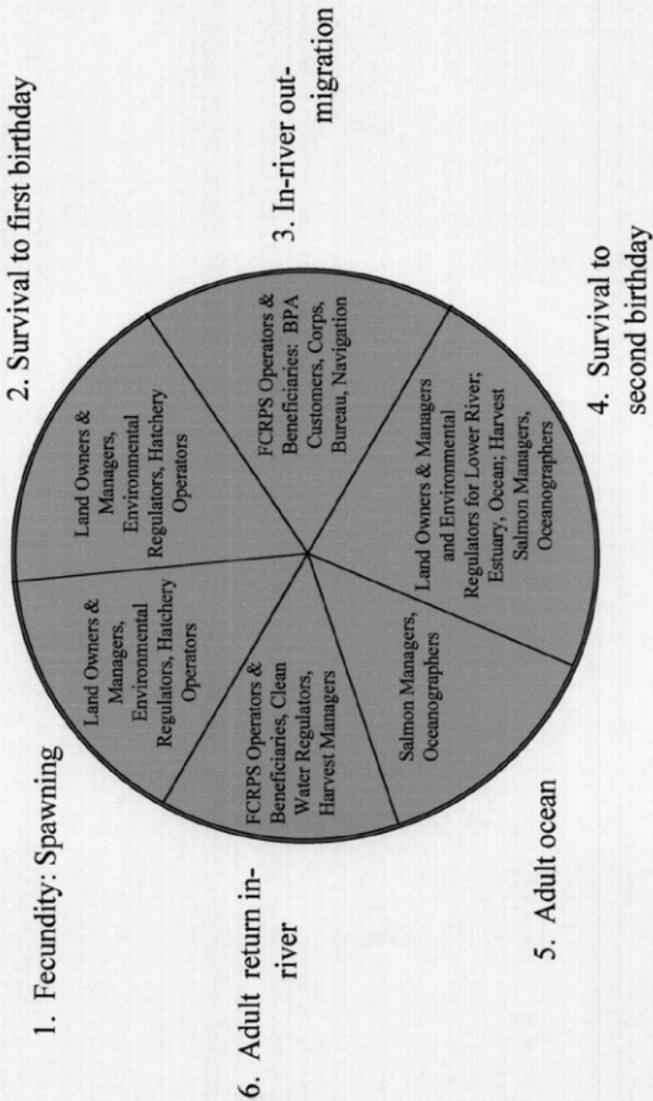
## APPENDIX

### **Figures Related to Biologically-Based Performance Standards**



# Life Stages and Human Institutions

Conceptual draft showing six life stages with associated human institutions



# Are there opportunities at particular life stages to improve population trajectories?

