

Sierra Club

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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.

1 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."

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.

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 other words, juvenile fish barging and trucking has failed the test of peer-reviewed science. 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

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cont. | 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,



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Northwest Salmon Campaign Coordinator

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Northwest Regional Vice-President

[for] Bill Arthur
Northwest Regional Director
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RE: Comments on John Day Drawdown Phase 1 Study

Dear Sirs and Mesdames:

On behalf of the Sierra Club, this letter comments on the draft "Salmon Recovery through John Day Reservoir: John Day Drawdown, Phase 1 Study" prepared by the U.S. Army Corps of Engineers, Portland District, and released to the public in January, 2000.

The Sierra Club strongly disagrees with the Corps' conclusion **against** a phase 2 study. The main flaw, and a fatal one, in the phase 1 study is that, the Corps -- not federal, state, and tribal fish biologists -- performed the

analysis of cost-benefit and cost-effectiveness for anadromous fish of the Columbia Basin above John Day Dam. Among others, the Independent Scientific Group (ISG) in its 1996 *Return to the River* report, and the Columbia River Inter-Tribal Fish Commission in its 1995 *Wy-Kan-Ush-Mi Wa-Kish-Wit: Spirit of the Salmon* plan identified a potential for huge benefit for salmon and steelhead by drawing down the John Day pool. The ISG specifically recommended a spillway crest drawdown.

Despite the concurrence from the National Marine Fisheries Service (NMFS) on the Corps' analytical approach to estimating salmon survival, this phase 1 study does not address all of the concerns of federal fisheries biologists at NMFS and especially the U.S. Fish and Wildlife Service. Moreover, the study did take into account biological issues raised by the states and American Indian Tribes which, by law, are co-managers with the federal government of Columbia Basin anadromous fish. We would remind the agency that it is the "Corps of Engineers" -- not the "Corps of Biologists."

The phase 1 study states that potentially John Day drawdown "eliminates ability to transport fish" (p. 22). This is not an argument against the drawdown on two counts. First, barge navigation would not cease if a new channel were dredged in the free-flowing portion of the John Day Reach.

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 other words, juvenile fish barging and trucking has failed the test of peer-reviewed science. Therefore, if John Day drawdown indeed discontinued fish barging, the action should be viewed as a benefit to salmon and steelhead.

Frankly the analysis of flood control (p. 12) does not make sense. If John Day can provide 500,000 acre-feet of storage under its current operation, then logically any deep drawdown, and certainly a spillway crest drawdown, would create an even larger space to use for flood control. Indeed, because the dam's structure remains capable of re-filling the reservoir to full pool, a spillway crest drawdown would triple the storage space available for flood control. Nonetheless, the analysis in the phase 1 study models only 500,000 acre-feet under the two alternatives which retain flood control. The final study should analyze this larger flood control capability with its costs and benefits.

In order to gain a complete and unbiased assessment of anadromous fish benefits from John Day drawdown, **the Sierra Club respectfully urges the**

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cont. Corps to proceed with a phase 2 study. In the draft document, the Corps views direction from Congress as the sole reason for undertaking the phase 1 study, and thus the agency's final action on this first phase is to recommend for or against further study to the Congress (p. 2, 26).

This is inaccurate. Study of John Day drawdown is a requirement of the current Biological Opinion for operation of the federal hydropower system, under section 7 of the Endangered Species Act. If the upcoming Biological Opinion so mandates, the Corps must go forward with a phase 2 study -- lacking legislation to the contrary from Congress. For this reason, **we are sending this letter to NMFS and USFWS with a request that these comments become part of the administrative record for the draft Biological Assessment and new Biological Opinion.**

Finally, the Sierra Club does not support dam modifications which would result in a potential threat to public safety. Therefore, **we urge the Corps to discontinue study of the two alternatives (1 and 3) without flood control.**

Thank you very much for this opportunity to comment on the draft phase 1 study of John Day drawdown.

Sincerely,



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