

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: owner-cbb-list (owner-cbb-list@Majordomo.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:11-SEP-1998 19:34:00.00

SUBJECT: CBB: Sept 11 Part 1 of 2

TO: Norman H. Starler (Norman H. Starler@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

THE COLUMBIA BASIN BULLETIN:

Weekly Fish and Wildlife News

September 7-11

EDITOR'S NOTE: You are already signed up to receive the Columbia Basin Bulletin every week. To keep receiving it, you don't need to do anything. If you DO NOT wish to receive future e-mail versions of the bulletin, send an e-mail with no subject line to cbb-list-request@majordomo.net. In the body of the message, write "unsubscribe." You will automatically be removed from the list. If the bulletin has been forwarded to you, please subscribe by sending an e-mail to cbb-list-request@majordomo.net and typing "subscribe" into the message. Archive editions are available at <http://www.nwppc.org>

--Bill Crampton, editor, intercom@ucinet.com

TABLE OF CONTENTS

Part 1 of 2

1. STEELHEAD BIOP SETS HARVEST THRESHOLD

2. SPORT FISHERY DODGES STEELHEAD BULLET

3. NW SENATORS ISSUE WARNING ON CORPS BUDGET

4. INTERIOR BILL HITS FLOOR, VETO THREATENED

5. IDAHOANS AIR VIEWS ON NMFS AND SALMON

6. SUPPLEMENTATION SPAWNS CHINOOK FISHING IN YAKIMA

7. 'FAST-TRACKING' SPILL DEFLECTORS CONSIDERED

8. GOVS GET COMMENTS ON RIVER GOVERNANCE OPTIONS

1. STEELHEAD BIOP SETS HARVEST THRESHOLD

By Barry Espenson

A biological opinion issued late Thursday (Sept. 10) indicates that Columbia River fish harvest levels have not yet reached a threshold that would "jeopardize" threatened steelhead stocks.

It does say that threshold would be surpassed if tribal fishers,

who are pursuing primarily fall chinook, stick strictly to the terms of a harvest agreement reached in negotiations with federal agencies.

The biological opinion drafted by the National Marine Fisheries Service addresses non-Indian and sport fisheries.

NMFS determined via the biological opinion that the "proposed activity is likely to jeopardize the continued existence of the threatened Snake River steelhead, primarily due to effects on the wild B-run component," NMFS Regional Administrator Will Stelle wrote Thursday in a letter to Anne Badgley, regional director for the U.S. Fish and Wildlife Service. The biological opinion offers a "reasonable and prudent alternative, which NMFS believes will avoid jeopardy to the Snake River steelhead."

The "proposed activity" referred to is a stipulated agreement settled on in August in negotiations between the four Columbia River treaty tribes and federal agencies. It set an incidental harvest take goal of the B-run steelhead at 15 percent with an upper limit of 20 percent for treaty fisheries.

The biological opinion's alternative calls for a treaty fishery incidental harvest objective of 10 percent for wild Snake River B steelhead with a harvest rate cap of 15 percent. The opinion's allowable rate for non-Indian commercial and recreational fisheries is 2 percent. (See related story below).

Harvest projections presented at a Sept. 4 meeting of the Columbia River Compact estimated a B-run steelhead impact of only two-tenths of a percent through Sept. 12 by sport fishers, according to Guy Norman, the Washington Department of Fish and Wildlife's Columbia River division manager and the state's representative to the Compact. He said he wasn't aware of any non-Indian commercial proposals that would be forthcoming at today's (Sept 11) meeting.

The Compact is an Oregon-Washington panel charged with regulating commercial fishing activity on the river. It is expected to review updated status reports on the salmon and steelhead runs from the multi-agency Technical Advisory Committee when the Compact convenes at 2 p.m. today (Sept. 11) at ODFW headquarters in Portland. The Compact will also review estimated harvests to date, and the incidental impact of those harvests -- targeted primarily at healthy Hanford Reach fall chinook stock -- on listed species.

Norman said he also expects a fishery proposal from the four Columbia River treaty tribes when the Compact meets. TAC is expected to produce an analysis of any proposal's impact on threatened species and overall harvest goals.

The steelhead biological opinion will guide how the Compact reacts to any tribal fishery proposal.

"We couldn't legally set a fish regulation that would be projected to go beyond that," Norman said Thursday of limits outlined in

the biological opinion.

Rick Taylor, spokesman for the Columbia River Inter-Tribal Fish Commission, said tribes expect to be fishing next week. He said "because of net mesh size restrictions and the way the runs are coming in, it appears the tribes will reach their 50 percent allocation" for fall chinook before reaching the 15 percent incidental take on B-run steelhead.

The biological opinion was produced over the past week after U.S. District Court Judge Malcolm F. Marsh rejected a request from the tribes and federal agencies that his court sanction the stipulated agreement. The states of Oregon, Washington and Idaho in briefs filed with the court argued that no fisheries should be allowed without a biological opinion on steelhead impacts. Attorneys for the states admitted in Marsh's court that the states had been in error in allowing earlier sport fisheries without a biological opinion.

Ted Strong, executive director of CRITFC, said the steelhead biological opinion will be a positive step "if it brings about meaningful change in the way the Columbia River is managed. We intend to use this as leverage to bring about those needed changes."

He said the biological opinion forces "tribal and non-tribal fishers to bear a disproportionate share of the conservation burden. None of our harvesters go out and kill fingerlings and juvenile salmon. The hydrosystem is legally allowed to kill 55 to 65 percent of the

juveniles. No one else is allowed to do that."

"If the states are so concerned about the magnitude of the decline of these fish, then we will force the issue with them," Strong said. He said in various forums the tribes will be citing this biological opinion as "they engage the states in pursuing meaningful restoration. We will test their sincerity and demand they address the other three H's" -- hydro, hatcheries, and habitat.

In his opinion issued Sept. 3, Marsh accused the federal government of trying to circumvent the Endangered Species Act by agreeing to harvest levels it suspected posed "jeopardy" to the threatened B-run stock's ability to survive.

Marsh insisted that a biological opinion be issued to determine that jeopardy threshold before harvests could continue.

The court decision left the tribes, states, federal agencies in a dilemma Sept. 4 as the Compact prepared to consider a tribal proposal that would continue a commercial fishery Sept. 8. Both Oregon and Washington had announced that sport fisheries would be closed at midnight Sept. 5 unless NMFS produced a biological opinion that showed no jeopardy to the B steelhead.

The Compact the previous week had skirted the issue, accepting the verbal assurances of NMFS' Bill Robinson that tribal commercial fisheries through Sept. 5 would have a B run impact of 5 percent or less

and would "probably not be likely to jeopardize any of the three listed Columbia River steelhead species."

On Sept. 4, the Compact pressed for a completed biological opinion as ordered by Judge Marsh, or at least written confirmation that harvests proposed for the following week would not pose jeopardy to listed ESA stocks and that a biological opinion would be forthcoming.

The Compact was told that producing a full-fledged biological opinion by the end of the day was virtually impossible.

"It will be at a minimum next week" before the biological opinion could be completed, NMFS Peter Dygert told the Compact. "Even with all of our forces to bear" on the task.

But those participating pressed for solutions to allow the sport fishery to continue through the Labor Day weekend and for the planned continuation of the tribal commercial fishery.

After a late afternoon recess, Justice Department attorney Charlie Shockey joined the Compact via conference call from Washington, D.C. He offered an interim solution through a provision, Sec. 7D, of the Endangered Species Act. It says that, after official ESA consultation is started, the federal agency and other participants "shall not make any irreversible or irretrievable commitment of resources." But it allows the agencies some latitude below that "irretrievable commitment" level during the consultation process, according to Shockey.

"It does not mean everything has to come to a halt" during the consultation process, he said. That steelhead consultation process was effectively initiated June 10 when the USFWS forwarded to NMFS a biological assessment prepared by the Technical Advisory Committee of the Columbia River Fish Management Plan. The plan is a negotiated agreement between parties to U.S. v Oregon on harvest levels for 1988-1998.

The treaty tribes are allowed 50 percent of the allowable harvest of unlisted fall chinook. The healthy Hanford Reach stock represents the tribes last viable commercial stock. The fall chinook and steelhead migrate upstream at the same time.

"Fisheries (USFWS) believes some level of incidental take can be authorized," Shockey told the Compact Sept. 4.

Stelle, in a Sept. 4 letter to Badgely, said that based on previous discussions during the course of consultations with the USFWS and "preliminary analysis for the biological opinion, NMFS confirms that a total incidental harvest rate of 7 percent on wild B-steelhead in the fall fisheries is not likely to jeopardize any of the three listed steelhead populations."

After discussions between attorneys for the states, as well as tribal caucuses, the Compact focused on the 7 percent impact limit. The TAC had estimated that harvest rates, cumulatively through Sept. 12,

would not exceed 6.9 percent for wild B steelhead.

The Compact, with formal ESA assurances of "no jeopardy" in the Sept. 4 letter to Badgely and a promise of an official biological opinion by Sept. 11, endorsed the proposed Sept. 8-12 tribal commercial fishery.

NMFS drew criticism from all sides for pursuing a stipulated agreement with the tribes rather than completing a biological opinion. Justice Department attorney Fred Disheroon admitted to Judge Marsh Sept. 4 that the agency suspected the 20 percent B steelhead impact in the stipulated agreement would exceed that as yet undefined "jeopardy threshold." Marsh pointed out that NMFS sought court approval of the agreement in an attempt to avoid a confrontation between treaty rights and ESA legal issues. Disheroon admitted that as well.

"We're constantly in a tug of war," said Dygert, whose is among NMFS representatives in negotiations with the tribes under U.S. v Oregon on a long-term fish management plan to replace the agreement that expires at the end of this year.

"I guess we felt in the long run it was more constructive to settle the treaty rights issue" in the short term with the stipulated agreement, Dygert told the Columbia Basin Bulletin. A treaty right-ESA confrontation "would clearly have disrupted the progress we are making" in the long-term fishing plan negotiations. Those discussions are factoring in ESA requirements, he said.

"15-20 percent in one year is not going to make the difference" on the species' ability to survive, Dygert added. More important is a carefully crafted, long-term plan restore stocks.

NMFS now has clear marching orders with the signing of the biological opinion.

"The purpose of this biological opinion is to describe a 'safe' level of salmon harvest by both Indian tribes and sport fishers, in other words, a harvest that won't jeopardize the existence of steelhead," Stelle said in a Sept. 8 press release.

"The court made it very clear that in making any management decisions regarding salmon fishing, our first priority must be to protect steelhead. That's our commitment and that's our goal," he added.

CRITFC's Taylor said the biological opinion had the "potential of eroding treaty rights" if it had let to a substantial curtailment in tribal harvest levels. "It was just circumstances in the way the fish came in that avoided that," he said.

The river's fish harvesters took advantage of the spotlight last week to press a sore point of theirs -- that the focus of NMFS' efforts should shift from them to "the real harvesters of Columbia and Snake River salmon: the dams and the associated industrial river uses."

"It is beyond comprehension that fisheries are closed for lack of a biological opinion, while the largest harvesters of fish, the federal dams, are allowed to continue operating without a biological opinion for steelhead," said Steve Fick, president of Salmon for All.

"Approximately 80 percent of all salmon mortalities are caused by the federal dams and the way they are run," said Fick in a press release issued jointly by Salmon for All, the Northwest Sportfishing Industry Association, Columbia River Inter-Tribal Fish Commission and the Association of Northwest Steelheaders.

"If the government is serious about the law and doing its job to recover salmon, why aren't we moving ahead in the drawdown of the John Day Reservoir?" said Buzz Ramsey, president of the Northwest Sportfishing Industry Association. "State, federal and tribal recovery plans all include this measure, yet we see no commitment to this important first step. Scientists estimate that drawdown of John Day could create 40 miles of spawning and rearing habitat, providing wild salmon production similar to the Hanford Reach."

Randy Settler of the Yakama Indian Nation, in testimony to the Compact, stressed the same point.

"As we have steadfastly maintained, and the facts bear out, harvest reductions alone will not rebuild the salmon populations," Settler said. "The elimination of spring and summer chinook commercial fisheries, for more than 20 and 30 years, proves this point."

Link Information:

NMFS: <http://www.nwr.noaa.gov>

CRITFC: <http://www.critfc.org>

IDFG: <http://www2.state.id.us/fishgame/fishgame.html>

ODFW: <http://www.dfw.state.or.us/>

2. SPORT FISHERY DODGES STEELHEAD BULLET

By Barry Espenson

Officials from both Washington and Oregon say no sport fishing closures are anticipated as a result of a biological opinion released Thursday that outlines allowable impacts from Columbia River fisheries on threatened B-run wild Snake River steelhead.

"This biological opinion focuses only on steelhead," said Steve King, salmon manager for the Oregon Department of Fish and Wildlife. "It sets the impact limits that non-tribal and tribal fishers can have on listed steelhead stocks. Because all non-tribal Columbia River Basin fishers require release of wild steelhead, non-tribal impacts are very low and we are able to continue our fisheries."

The biological opinion's "reasonable and prudent alternative" calls for a treaty fishery incidental harvest objective of 10 percent

for the wild B steelhead with a harvest rate cap of 15 percent. The opinion's allowable impact rate for non-Indian commercial and recreational fisheries is 2 percent.

Sport salmon fishing in the Columbia's mainstem could still be threatened with closures if the allowable impact on listed Snake River fall chinook by non-Indian fishers is reached.

"We expect the Columbia River Compact on Friday (Sept. 11) to review the numbers and decide if and when the chinook fishing in the mainstem will close," King said. "If and when the closure occurs, it won't affect popular tributary fishers such as that in the Deschutes River" since the listed species are headed upstream toward the Snake River.

Fish counts at Bonneville dam through Thursday offered little to hope of a long mainstem season. The Snake River fall chinook impact allowance would have been raised, according to the terms of a previously completed biological opinion, if the overall chinook run size surpassed 250,000 and the Snake River chinook count hits 2,000. The aggregate upriver "bright" fall chinook run count Thursday was 145,000 at Bonneville, down from the preseason forecast of 165,000. That leaves the overall chinook count (including tules and lower river) at about 220,000, King said.

"That (an increased impact allowance) just flew out the window" with the downgraded estimates of the overall run, King said. The sports

fishery incidental take limit could be reached soon, thus forcing closure of the mainstem Columbia and Snake chinook sport fishery.

"It's coming. I just don't know the day," King said.

Washington, likewise will continue its sports fishery for now, according to Guy Norman, the Washington Department of Fish and Wildlife's Columbia River division manager and the state's representative to the Compact.

The "non-Indian sport fishery should have plenty of room within that 2 percent (steelhead impact)," Norman said. Projections presented at the Sept. 4 Compact meeting were for a B-run steelhead impact of only two-tenths of a percent through Sept. 12 by sport fishers. Norman said he wasn't aware of any non-Indian commercial proposals that would be forthcoming at today's (Sept 11) meeting.

The Compact is an Oregon-Washington panel charged with regulating commercial fishing activity on the river. It is expected to review updated status reports on the salmon and steelhead runs from the multi-agency Technical Advisory Committee when the Compact convenes at 2 p.m. today) at ODFW headquarters in Portland. The Compact will also review estimated harvests to date, and the incidental impact of those harvests, targeted primarily at healthy Hanford Reach fall chinook stock, on listed species.

Link information:

WDFW: <http://www.wa.gov/wdfw/>

ODFW: <http://www.dfw.state.or.us>

3. NW SENATORS ISSUE WARNING ON CORPS BUDGET

By Bill Crampton

Northwest senators say proposed reductions in the Army Corps of Engineers' Columbia River Fish Mitigation Program could "throw the Pacific Northwest into legal and economic turmoil."

"The consequences of insufficient funding for this valuable program could be tremendously detrimental to both rural and agricultural communities throughout the Northwest and the ongoing salmon recovery effort," say the senators in a letter sent this week to members of the Senate Energy and Water Development Appropriations Subcommittee.

The Sept. 9 letter was crafted by Sen. Slade Gorton, R-Washington, and signed by Washington Democrat Patty Murray; Oregon's Republican Gordon Smith and Democrat Ron Wyden; Idaho Republicans Larry Craig and Dirk Kempthorne; and Montana's Republican Conrad Burns and Democrat Max Baucus.

The Corps' fish budget funds the major modifications to the Columbia/Snake River mainstem hydroelectric projects, as directed by the

National Marine Fisheries Service's 1995 Biological Opinion for Snake River wild salmon. The Clinton Administration has requested \$117 million for the 1999 Fiscal Year, while the Senate pared that number down to \$95 million, about the same as this year's spending.

But the House virtually eliminated the entire program, only approving \$8 million for drawdown studies. The House energy and water appropriations subcommittee called the Corps' program wasteful and ineffective.

Members of the House and Senate energy and water development committees will soon meet in conference committee to hash out the final number.

In their letter, Northwest senators say a number below the Senate level could prompt NMFS to issue a "jeopardy ruling" that would re-initiate consultations under the Endangered Species Act. "Failure to comply with the Biological Opinion could lead to court intervention," say the senators. "To suggest such action would throw the Pacific Northwest into legal and economic turmoil is an understatement."

The senators also fear that if the House's gutting of the Corps' budget is allowed to stand, "the Corps may consider turning to more controversial alternatives," such as "increased spill over Columbia River dams -- which could directly affect the Bonneville Power Administration as it enters its 2001-2006 rate case period -- and increased flow augmentation.

"Rather than limiting fish recovery options to those imposed by the courts or only increased spill and flow augmentation, the best approach for fish recovery, agricultural communities, and other river users is to fully fund the CRFMP," says the Gorton letter.

The Northwest senators are telling their congressional colleagues the Biological Opinion is based on the "best available information developed by the Northwest's fisheries managers and hydroelectric project operators.

"Reduced funding for Fiscal Year 1999," says the letter, "will also limit collection of important data concerning Northwest salmon runs. Information from the CRFMP is required for the 1999 system configuration and operation decision and to learn more about juvenile fish migration, travel time and downstream survival. Without the CRFMP, none of this information will be available to the region's decision-makers, and could lead to uninformed decisions that could be harmful to both fish and human interests."

Link information:

Army Corps of Engineers: http://www.npd_wc.usace.army.mil

4. INTERIOR BILL HITS FLOOR, VETO THREATENED

By Barry Espenson

Contentious debate is expected in coming days as Sen. Slade Gorton tries to win Senate passage for a \$13.4 billion Department of Interior spending bill that includes language which Gorton says defines Congress' role in protecting the Columbia-Snake River hydroelectric system's primary functions.

The bill was brought to the Senate floor Tuesday, though debate was not expected to begin until late this week, said Gorton spokesman Rob Nichols.

The legislation faces the continued threat of veto from the Clinton Administration over funding priorities and 24 so-called "objectionable language riders." In addition, Nichols said the bill faces at least three "hostile amendments."

The House passed its version of the bill before the Labor Day recess. Should the Senate version pass, it must be reconciled with the House bill in conference committee before being forwarded to the president's desk.

"Gorton's goal for September is to pass a region-friendly Interior appropriations bill," Nichols said. Gorton authored the original bill as chairman of the Senate Interior Appropriations Subcommittee.

Gorton and Clinton's top environmental adviser, Kathleen McGinty, met last week to discuss a number of provisions within the appropriations bill. Topics range from dam removal to hardrock mining reclamation to grizzly bear reintroduction.

Chief among the issues discussed is a Gorton provision to "make very clear my intention to protect the major functions of those dams." He refined the provision's wording after earlier objections from McGinty, but neither the new wording, nor last Wednesday's discussions, produced any resolutions.

"Unfortunately, the new language has the same old flaw," McGinty said in a statement released last Thursday (Sept. 3). "It substitutes political dictates from Washington, D.C., for sound science and local participation."

The Gorton provision states that "Unless specifically authorized by Congress or with the consent of licensees for dams licensed by the Federal Energy Regulatory Commission, a federal or state agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the federal Columbia River power system or any dam on the Columbia or Snake rivers or their tributaries licensed by the Federal Energy Regulatory Commission or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

McGinty's complaint is that the language gives Congress the power to "micro-manage the dams," Nichols said. That would be contrary to Gorton's long-held notion that "the federal government has too much power," he said, stressing that it is not the intent of the legislation to gain congressional control over day-to-day operations of the dams.

The rider "simply has to say that the Clinton Administration must come to Congress if it wants to lower the power capacity of the dams or if it wants to destroy or substantially diminish the capacity of the rivers for flood control, for irrigation, and from transportation," Gorton, R-Washington, said Friday.

McGinty had earlier acknowledged in a letter to Gorton that congressional authorization would be required for the removal or major modification of any federally owned dam on the Snake or Columbia. She said the appropriations bill language is unnecessary. The U.S. Army Corps of Engineers is studying the feasibility of removing portions of four dams on the lower Snake River to ease passage of threatened and endangered salmon and steelhead species.

Nichols said Gorton's intent in meeting with McGinty was to solicit comments and suggestions toward a positive resolution of the disputes. He said the Administration's approach was to "confront and not seek compromise."

Another provision in the Gorton bill would end funding for the

Interior Columbia Basin Ecosystem Management Project. The basin plan, developed at a cost of \$40 million, would require national forests and Bureau of Land Management districts to use ICBEMP standards for developing long-range plans.

A "Statement of Administration Policy" was produced Tuesday (Sept. 8) by the Office of Management and Budget in response to the appropriations bill. It states that "due to inadequate funding levels for priority programs and at least 24 objectionable language riders...", the President's senior advisers would recommend that he veto the bill if it were presented to him as approved by the committee."

The document highlights "high priority programs" it considers to be underfunded in the Senate bill. Among them are the Clean Water Action Plan, Endangered Species programs such as landowner incentive grants and "key Forest Service natural resource protection, road maintenance and general administration programs, while increasing the timber program by \$20 million."

The Administration also objects to riders that it says would:

-- unwisely terminate the Interior Columbia Basin Ecosystem Management Project in six Northwest States;

-- establish an unprecedented easement for the community of King Cove for a road and utilities across a wilderness area in Alaska in the Izembek National Wildlife Refuge;

-- manage a high timber sale level on the Tongass National Forest in Alaska, regardless of environmental impacts;

-- continue to delay rules that would establish the fair market value for federal and Indian oil leases, costing the Treasury \$64 million a year in underpaid royalties;

-- delay implementation of environmental protections for hardrock mining reclamation on federal lands;

-- institute for the first time a means-test for tribes as a basis for redistributing Tribal Priority Allocation funding;

-- amend an authorizing statute, the 1992 Elwha Act, to significantly change the congressionally approved plan for restoring Elwha River and Olympic National Park and leave the National Park Service owning two non-compliant dams without the funds to remove them;

-- hinder efforts to restore endangered and threatened Pacific salmon runs in the Columbia and Snake Rivers;

-- require the Forest Service to maximize commercial wood harvesting before the agency conducts prescribed burning projects, effectively stopping most prescribed burns and endangering lives and property;

-- prohibit grizzly bear reintroduction into the
Selway-Bitterroot area of Idaho and Montana;

-- prohibit Park Service regulation of commercial fishing in
Glacier Bay National Park in Alaska;

-- place unnecessary limits on federal land acquisitions in
Alaska;

-- prevent the Forest Service from charging fair market value
for summer vacation homes in Idaho National Forest, undermining the
current effort to reappraise all such leases nationwide;

-- require the Forest Service to trade timber in return for
restoration practices, an adverse precedent that could evolve into a
perpetual cycle of using logging to pay for land management.

-- require unauthorized four-wheel-drive roads to be obliterated
before any other type of road can be decommissioned, virtually
preventing work on regular roads that pose serious environmental risks
and are ready to be removed.

-- waive environmental laws and automatically extend the term of
grazing leases that are undergoing review by the Bureau of Land
Management even though authority already exists to protect lease holders
from termination of leases undergoing review;

-- amend, in two different provisions, the National Forest Management Act, to prohibit forest plan revisions, thus requiring continued use of inadequate and dated forest plans -- even beyond their statutory 15-year lifespan.

-- require timber sale offers from national forests to be 3.8 billion board feet rather than the 3.4 billion board feet assumed in the fiscal year 1999 budget.

Gorton, in an unofficial transcript of the Senate proceedings provided by his office, said he finds it "ludicrous, if not offensive, for the administration simply to lump every provision it finds the least bit inconvenient onto one list of so-called objectional riders, condemn the practice and demand that all such provisions be removed under the threat of a veto."

Link information:

SEN. SLADE GORTON: <http://www.senate.gov/~gorton>

=====

To unsubscribe send a message to: Majordomo@Majordomo.net

into the body write: unsubscribe cbb-list===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)

id <01J10XRHIW34007Z03@PMD.F.EOP.GOV> for starler_n@a1.eop.gov; Fri,

11 Sep 1998 19:59:33 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMD.F V5.1-9 #29131)

with ESMTP id <01J10XRBK0R40081KM@PMD.F.EOP.GOV> for starler_n@a1.eop.gov; Fri,

11 Sep 1998 19:59:23 -0400 (EDT)

Received: from zebra.esosoft.net ([207.153.253.162])

by STORM.EOP.GOV (PMD.F V5.1-12 #29131)

with ESMTP id <01J10XQHJ1Y000RM4@STORM.EOP.GOV> for starler_n@a1.eop.gov;

Fri, 11 Sep 1998 19:58:46 -0400 (EDT)

Received: from eagle.esosoft.net (eagle.esosoft.net [192.41.52.221])

by zebra.esosoft.net (8.8.8/8.8.5) with ESMTP id TAA19374; Fri,

11 Sep 1998 19:58:39 -0400 (EDT)

Received: from localhost (eagle@localhost) by eagle.esosoft.net (8.8.5)

id RAA29758; Fri, 11 Sep 1998 17:35:18 -0600 (MDT)

Received: by eagle.esosoft.net (bulk_mailer v1.9); Fri,

11 Sep 1998 17:34:21 -0600

Received: (eagle@localhost) by eagle.esosoft.net (8.8.5) id RAA29267; Fri,

11 Sep 1998 17:34:18 -0600 (MDT)

Received: from ex1.nwppc.org (ex1.nwppc.org [206.234.165.4])

by eagle.esosoft.net (8.8.5) id RAA29139; Fri, 11 Sep 1998 17:34:02 -0600 (MDT)

)

Received: by ex1.nwppc.org with Internet Mail Service (5.0.1458.49)

id <SBM2VNV0>; Fri, 11 Sep 1998 16:34:07 -0700

X-Mailer: Internet Mail Service (5.0.1458.49)

X-Priority: 3

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: owner-cbb-list (owner-cbb-list@Majordomo.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:25-SEP-1998 16:25:00.00

SUBJECT: CBB Sep 25, Part 2 of 2

TO: Norman H. Starler (Norman H. Starler@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

TABLE OF CONTENTS

Part 2 of 2

6. TRIBAL FISHING SEASON ENDS TODAY

7. WASHINGTON ADOPTS EMERGENCY LOGGING RULES

8. UMATILLA TRIBES PURCHASE 8,000-ACRE RANCH

9. PGE PREPARES BID FOR HYDRO PROJECTS

10. MAJOR CONFERENCE SET ON RIVER GOVERNANCE

11. COUNCIL ON TRACK WITH BUDGET CUTS

12. AGENCIES MOVE FORWARD ON TERN PLAN

13.. PECK NAMED ACTING HEAD OF WDFW

14. FEEDBACK

6. TRIBAL FISHING SEASON ENDS TODAY

By Barry Espenson

The Columbia River treaty tribes' 1998 commercial fishery is expected to end at 6 p.m. today as the combined impact of Indian and non-Indian sport and commercial fisheries on the threatened Snake River fall chinook stock approaches its upper limit.

The tribes volunteered Tuesday to shut down the five-day fishing period one day earlier than originally planned because updated run-size and catch data "indicated that the Snake River (chinook) impacts would be right on" the 24.7 percent impact limit by the end of the week, according to Guy Norman, Washington Department of Fish and Wildlife's designee to the Columbia River Compact. The Oregon-Washington compact monitors commercial fishing activity on the Columbia.

The tribes primary goal is the harvest of healthy Hanford Reach fall chinook stock. Some incidental catch of listed stocks such as Snake River fall chinook and steelhead occur during fishery. The Hanford salmon represent the tribes' last viable commercial fishery. The tribes' treaty share is 50 percent of the "harvestable surplus" of non-listed fall chinook.

The compact last Friday approved the tribes' most recent Zone 6 (between Bonneville and McNary dams) fishing period knowing that the Snake River chinook threshold would likely be approached. The Sept. 22-26 period was the fifth five-day tribal commercial fishing period allowed this summer and fall.

The Snake River fall chinook impact limit includes tribal commercial and ceremonial and subsistence fisheries as well non-Indian commercial sport fisheries. The limits are set by the National Marine Fisheries Service in accordance with the Endangered Species Act.

The impacts on wild Snake River B-steelhead run were of great concern initially, but impacts from fisheries seemed to be falling within limits recently established in a NMFS biological opinion.

Of the most immediate concern Sept. 18 were updated sport fishing catch data. The projected Snake River chinook impact from non-Indian fishers jumped from 3.97 percent through Sept. 13 to 6.32 through Sept. 20.

The jump of nearly 50 percent in a week's time was attributed to considerable fishing success at Buoy 10 near the Columbia's mouth, and the fact that it was the first tally reached with the help of coded wire tags. The most recent projections were more accurate, Oregon and Washington staff said, because a enough tags had been collected to produce a representative sample.

It was projected last week that if all planned fisheries were to continue, including sport fisheries through the end of the year, and the full tribal allocation was reached, the Snake River fall chinook impact would hit 25.6 percent.

Oregon and Washington officials decided Sept. 18 to end the Columbia River mainstem chinook sport fishing season as of Sept. 20. The Compact also decided at that time that the tribal fishery from Sept. 22-26 would be unlikely to breach the 24.7 percent limit. The 25.6 projection included a 1.9 percent impact from Sept. 20 through the end of the year from tribal ceremonial and subsistence fisheries.

A pair of lower Columbia gill-net fishermen appeared Sept. 18 before the compact to request non-Indian commercial fisheries. Both held back on their requests.

"The numbers speak for themselves," said Les Clark of the Northwest Gillnetters Association. He chided the compact for not allowing more non-Indian commercial fishing earlier when there was still room under the listed fall chinook and steelhead impact ceilings.

He indicated the gillnetters would have liked a fishery before Sept. 20 because "lower river fishing is history after that date" as the vast majority of the chinook run proceeds upriver. Clark said he intended to propose an immediate fishery when the Compact met this past Tuesday, Sept. 22.

Jim Marincovich of the Columbia River Fish Protective Union on Sept. 18 also criticized the Oregon and Washington officials for "not managing the fishing fairly." He said he recognized that tribal fishers had a court-validated right to their 50 percent share.

But he objected to what he called a disproportionate share given to recreational anglers. Non-Indian commercial fishers have caused less than 1 percent of the impact to threatened Snake River fall chinook.

"One user group continues to think they can harvest fish seven days a week continuously," Marincovich said.

If charter businesses and other sport anglers had been limited to, perhaps, four days per week "there might have been room for us to have a fishery."

Marincovich too planned to propose an immediate non-Indian fishery, but "there's no room for that," Norman said this week. The Compact will meet again Oct. 1 when it has more complete catch and run-size data.

"By that time most of the Snake River Fish will have cleared" the river's lower portion.

No precise data was available, but Columbia River Inter-Tribal Fish Commission spokesman Rick Taylor said he believed tribal fishers will come "pretty close" to harvesting their allocation.

Link information:

ODFW: <http://www.dfw.state.or.us>

WDFW: <http://www.wa.gov/wdfw>

NMFS: <http://www.nwr.noaa.gov>

CRITFC: <http://www.critfc.org>

7. WASHINGTON ADOPTS EMERGENCY LOGGING RULES

By Bill Crampton

Partly in response to the National Marine Fisheries Service's determination that Washington's current "Forest Practice Rules" jeopardize salmonids, the state's Forest Practices Board this week approved a new emergency rule designed to protect endangered steelhead in the Columbia River Basin.

The new emergency rule, approved on a divided voice vote, is aimed at protecting Washington's Upper Columbia steelhead, Snake River steelhead and Lower Columbia steelhead, all of which have been listed as endangered or threatened under the Endangered Species Act.

The new rule will require additional environmental review to harvest trees or to build forest roads within 200 feet of fish-bearing

rivers and streams in critical habitat areas.

The rule, in place for 120 days, applies to 14 Washington counties that drain into the Columbia and Snake Rivers, including all or a portion of Okanogan, Chelan, Douglas, Clark, Cowlitz, Skamania, Asotin, Garfield, Kittitas, Lewis, Franklin, Walla Walla, Columbia and Whitman counties. After 120 days, emergency rules can expire, be extended, or be replaced by a permanent rule.

On Sept. 11, the board's previous emergency rule -- adopted May 28 -- was invalidated by a Thurston County Superior Court judge after a legal challenge by logging companies, the Northwest Forestry Association, Skamania County and landowners.

The judge ruled the emergency rule invalid because the Forest Practices Board had failed to provide the required evidence that an emergency existed.

The new emergency rule is now accompanied with "findings that justify it," said Stephan Bernath of the Washington Dept. of Natural Resources.

Include in the findings is a Sept. 16 letter from NMFS Regional Administrator Will Stelle to the U.S. Fish and Wildlife Service which criticized the state's logging practices.

USFWS is proposing a "4(d) **rule**" that will release private

timber lands from incidental take prohibitions for the northern spotted owl within owl circles where greater than 40 percent suitable owl habitat remains. That would release about 51,000 acres of non-federal land for logging.

In his letter, Stelle says timber harvest in these areas under current Forest Practice Rules (FPRs) "is certain to degrade an already degraded environmental baseline because current FPRs do not leave adequate riparian buffers to provide the important ecosystem functions necessary to support the biological requirements of anadromous salmonids."

Stelle says "potential adverse impacts" to listed salmonids under the state's current FPRs include "increased erosion and sedimentation rates, and the loss of riparian habitat, woody debris and habitat complexity."

NMFS, says Stelle, is concerned that the 4(d) rule would not allow FWS to meet its "obligations to avoid jeopardizing the continued existence" of listed steelhead in the Columbia and Snake Rivers.

Stelle is urging the USFWS to modify the proposed 4(d) rule to require wider riparian buffers for both fish-bearing and non fish-bearing streams.

As of this week, the Northwest Forestry Association had not decided whether to challenge the new emergency rule.

Link information:

Wash. Dept. of Nat. Res.: <http://www.wa.gov/dnr/>

8. UMATILLA TRIBES PURCHASE 8,000-ACRE RANCH

By Bill Crampton

Using \$3.9 million in Bonneville Power Administration fish and wildlife mitigation funds, the Confederated Tribes of the Umatilla Indian Reservation have purchased an 8,441-acre ranch in southeastern Washington for fish and wildlife habitat. The sale closed Sept. 11.

The "Rainwater Ranch," previously owned by Miller Shingle Co. of Granite Falls, Wash., includes 5,500 acres of timber, plus rangeland, and about eight miles of anadromous fish spawning and rearing habitat in the South Fork Touchet River. It is part of the lands ceded to the U.S. government by the tribes in the 1855 treaty.

The property is located in Columbia County and is adjacent to the Wenaha-Tucannon Wilderness Areas of the Umatilla National Forest. It is summer and winter range for Rocky Mountain elk, mule and white-tailed deer, black bear and mountain lion. It supports healthy populations of wild turkey and grouse and provides important habitat for a wide variety of non-game species.

The Umatilla tribes will now begin developing a management plan for the property -- an effort that will include involvement of tribal members, local communities, BPA and the Washington Department of Fish and Wildlife.

"We are looking forward to working with the local communities and our other resource management partners to craft a shared vision for the long-term management of these lands," said Antone Minthorn, chairman of the Confederated Tribes Board of Trustees. "Through this process we hope to break down some of the barriers to cooperation and understanding that we have seen in the past and create a place of lasting value to us all."

Bruce Smith, WDFW regional director, said his department views the acquisition "as essential to the future of fish and wildlife in Columbia County. It ensures that an important, large contiguous tract of fish and wildlife habitat is not subdivided and developed. We expect to consummate necessary memorandums of agreements to ensure the success of the tribe's mitigation efforts."

The Umatilla tribes say the property was selected for purchase because it meets all of the priorities in the tribes' wildlife mitigation plan, which calls for focusing on properties that provide dual benefits for anadromous fish and wildlife and ties into other areas where the tribes have access to exercise treaty rights, such as the federal lands adjacent to the property.

The tribes say they will undertake an "in-depth public outreach effort" to develop a management plan that will include habitat enhancement strategies, access alternatives, noxious weed control, fire suppression, operational and maintenance. The tribes say they are committed to providing public access to the land.

The funds for the purchase were available under a 1993 agreement among state, tribal and federal wildlife managers in Washington. The Washington Wildlife Mitigation Agreement directs funds to projects which mitigate impacts of the construction of McNary and John Dam dams.

Link information:

Umatilla Tribes: <http://www.umatilla.nsn.us>

9. PGE PREPARES BID FOR HYDRO PROJECTS

By Mike O'Bryant

Portland General Electric will finish its draft relicensing application for the Round Butte Pelton complex of hydroelectric dams on the Deschutes River before the end of 1998 and expects to file its final application with the Federal Energy Regulatory Commission (FERC) by the end of 1999.

The license, currently held by PGE, is contested by the Confederated Tribes of Warm Springs, but, according to PGE, the two applications will be very different. (For information on Warm Spring tribes' application, see The Columbia Basin Bulletin, Sept. 14-18, Story No. 9)

"The tribe is a good land manager and brings a great deal of integrity to the process, but what they are putting together for FERC is not a typical hydro facility license application," said John Esler, PGE project manager, Hydro Licensing. "What they have done is more of a visioning process to discover what people want to happen in the Deschutes River basin. We're interested to see how they turn that into a license application."

The tribes' approach to its application has been to look at the overall health of the basin using existing studies, including many completed by PGE, and to find out what people want to do to make the basin better. Esler said this is a valuable exercise that can help manage the entire basin in the future, but that the dams influence only a part of the basin.

"Through its hydro projects, PGE doesn't have much influence over all of the Deschutes River basin. We can only manage these projects," said Esler. "Yet, we believe the tribes visioning approach may move the basin forward and, as the licensee of the dams, we'd like to work with them to do that."

The three dams that make up the projects are, from upstream, Round Butte (completed in 1964), Pelton (1957) and a reregulating dam (1958) that controls the downstream river flow and allows the dams to increase their peaking capabilities. All are licensed under one application and provide enough electricity to meet the needs of about 300,000 homes.

The projects were originally built with a fish ladder and tram complex that delivered anadromous fish to upstream reaches, but that was abandoned in 1966 when studies showed it wasn't working. The existing license was changed to discontinue fish passage and put hatchery mitigation in its place. In the relicensing process, PGE has established a technical subcommittee to take a fresh look at the fish passage issue in light of newer technology.

The dams and their reservoirs lay partly on the Warm Springs' 1,000-square-mile reservation. For that PGE pays the tribes about \$10 million a year for rent. The tribes also own the 19 MW powerhouse at the reregulating dam, collecting an additional \$4 million from PacifiCorp which buys the output. According to PGE, they and the tribes currently operate the projects as joint licensees under a ratio set by FERC that gives the tribes about a one-sixth partnership.

The relicensing process became contentious when PGE and the Warm Springs Tribes could not come to an agreement over the fees which are based on the economic benefits gained from the output of the hydro-electric projects. PGE says the value is about \$25 million

considering today's lower power prices. Doing the math, that would cut the fees PGE would pay to the tribes in half.

The contract with PacifiCorp expires in 2001 and will also have to be renegotiated using today's power prices.

Discussions over this arrangement included a scheme in which the tribes would be compensated according to fluctuating power prices, but this would not offer the tribe as stable an income as its current arrangement with PGE.

"Our discussions with the tribes are not over," Esler said. "We are continuing to look for an agreement that would allow us to return to our joint-licensee relationship. We know, however, that whatever agreement we come up with, it will have to address the tribes' need for a stable income stream."

Of its own relicensing process, Esler said "We have done a credible job of managing the project and have worked well with all affiliated agencies to make our environmental footprint as small as possible. We believe we should have a chance to be the licensee again."

Esler concedes that the incumbent has advantages in the licensing process. In this case, PGE's application will be based on an existing record of compliance. The incumbent has hard information that shows what it has done while other applicants can only say what they hope to do.

"The tribes would not be able to show that PGE has been a poor steward and I don't believe they would try anyway," said Esler. "In fact, I don't believe there has ever been a successful turnover of an incumbent."

In licensing hydro-electric facilities, FERC tries to balance everything in the application, including low cost electricity, effectively avoiding a bidding war to win the project.

"A willingness to throw money on the table, such as providing more recreation facilities, to win the bid doesn't usually make it with FERC," said Esler. "However, I do believe that the tribes and PGE could work together to bring different things to the table and generally enhance the whole project."

Esler did show concern that the lead agency named by the Department of the Interior is the Bureau of Indian Affairs. Interior, which includes many of the agencies that will review and have input on the relicensing application, could have chosen among the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife or National Marine Fisheries Service to be the lead agency.

"It's amazing, especially with the tribes also applying for a license, that among all the bureaus they could have chosen, the Department of Interior selected the Bureau of Indian Affairs as the lead agency," Esler said.

PGE will make its draft application available to the agencies and non-governmental agencies it has worked closely with during the relicensing process. It will include the history of the operation, cultural resources and history, terrestrial information, recreation information and plans for the future. After a comment period, it will incorporate those comments into its application that will be sent to FERC by the end of 1999. FERC has two years to rule on the license, which expires at the end of 2001.

Link information:

John Esler: john_esler@pgn.com

Portland General Electric: <http://www.pge-online.com>

10. MAJOR CONFERENCE SET ON RIVER GOVERNANCE

Oregon Governor. John Kitzhaber, Washington Sen. Slade Gorton, former Oregon Sen. Mark Hatfield, Oregon Rep. Elizabeth Furse and Washington Rep. Rick White will join tribal leaders, senior federal officials, state legislators, and representatives of the region's economic and environmental interests for a major regional conference on the future of the Columbia River.

"Governance and the Columbia River: Where Are We Going?" will be held Thursday, Oct. 15, from 8:15 a.m. to 5:30 p.m. at the Lloyd

Center DoubleTree Inn at Portland.

Panel sessions will include discussions on river governance; implementation; impacts on economic interests; and the role of local and state governments and watershed councils.

Panelist will include governors, a White House representative, tribal chairs, members of Congress, top federal officials, and leaders of organizations representing agriculture, energy and environmental interests.

Gorton and Furse will be the luncheon speakers.

The conference is sponsored by the Portland State University Mark O. Hatfield School of Government, Northwest Public Power Association and Henry M. Jackson Foundation. These primary sponsors have been assisted by 44 co-sponsors, including federal, state and local governments, Columbia Basin tribes, and representatives of many of the region's stakeholders.

For registration information, call the Northwest Public Power Association at 360-254-0109 or in Oregon at 503-289-9411. Cost is \$135. A limited number of scholarships are available. More information about the conference can be found on-line at <http://www.nwppa.org>

11. COUNCIL ON TRACK WITH BUDGET CUTS

By Barry Espenson

Budgets approved Wednesday keep the Northwest Power Planning Council "on track" to reduce its spending to \$6.2 million annually by 2001, according to Steve Crow, the Council's executive director.

At its meeting in Whitefish, Montana this week, the Council approved a revised \$7.155 million budget for fiscal year 1999 and a draft 2000 budget of \$6.724 million.

The draft 2000 budget compares to a peak Council allocation of nearly \$8.5 million in 1992. A staff analysis shows the overall reduction to be 21 percent over that seven-year span, "while absorbing cumulative inflation projected at 26.4 percent."

The Council is funded through the Bonneville Power Administration as the result of Northwest Power Act mandates. Budgets are derived through a computation of BPA's forecast firm power sales.

A decision was made to phase out a residential power exchange agreement for a portion of that firm power, thus shrinking the firm power total and the Council's share.

The Council and BPA reached an agreement in June of 1997 that allowed the Council to gradually "step down" its budget over a four-year period.

Budget cuts have come across the board with personnel and contracting capabilities taking the biggest hits, according to Council business manager Sharon Ossmann. The number of "authorized positions" in the Council's Portland central office will shrink from 41.8 in fiscal year 1997 to 31.5 in 2000's draft budget. State offices show milder decline from 28.5 to 24.5 according to a Council budget/expenditure summary.

Most staff reductions to date have been accomplished through attrition -- people who move on to other jobs, etc., are not replaced.

The Council has "eliminated several staff positions," Ossmann said.

The budget line item for "contracts" has been reduced from just over \$1 million in 1992 to \$802,000 in 1996 to \$326,000 in the draft 2000 budget. The cuts will greatly reduced the Council's contracting capability, which have in the past used for such projects as Transition Board needs, litigation costs and the Moss-Adams audit of contracting procedures, Ossmann said.

A reduced staff, and added responsibilities such as those that might previously have been contracted, "will change how quickly the Council will be able to respond" to requests for analyses and other products, Ossmann said.

Council Chairman John Etchart on Wednesday also expressed concern about the looming Council dilemma of reduced funding and potentially increased responsibilities. One example of the latter is a proposal by Washington Sen. Slade Gorton to expand the independent science review process from just the Council's direct program to other programs funded by BPA, such as the Corps mainstem capital construction program. The Council could become involved in assessing those reviews and making recommendations to Congress on appropriations.

The budget cuts charted by Crow and Jim Tanner, the Council's administrative officer, did not take into account Cost Review recommendations that the Council budget should be reduced to \$5.1 million by 2002, the beginning of BPA's next subscription rate period. The Cost Review was a process BPA went through to identify areas for cutting costs. The Cost Review assumption is contingent on legislatures in the four Northwest states agreeing on a reconfigured Council, with reductions in state staffing and changing the number of Council appointees from two per state to one.

Link information:

NPPC: <http://www.nwppc.org>

John Etchart: jetchart@nwppc.org

BPA: <http://www.bpa.gov>

A stopgap measure has been proposed to relocate nesting birds, including 8,000 pairs of Caspian terns, 16 miles closer to the mouth of the Columbia River where it is believed they will consume fewer migrating juvenile salmon.

The multi-agency Avian Predation Working Group's proposed action would attempt to move the birds from Rice Island, which is 21 miles upstream from the mouth, to East Sand Island. The goal is to implement the action before the 1999 juvenile fish passage season, which begins in April.

The short-term proposal could be regarded as a pilot study, according to Bob Willis of U.S. Army Corps of Engineers, which is preparing an environmental assessment of the effects of alternative actions to decrease predation on declining salmon runs.

"If this plan is successful we'll know to move in this direction to solve the problem over the long-term," said Dan Roby, an Oregon State University researcher involved with the work group. "If it isn't successful, then we'll have to work on other alternatives."

The plan aims to disperse the tern colony by developing other nesting habitat to attract the birds to areas closer to the mouth of the Columbia.

Researchers believe the tern diet at Rice Island is composed of

70 to 80 percent salmonids. Comparisons of tern and cormorants diets indicate far fewer salmonids are consumed near East Sand Island.

The scientists reason, according to a Corps press release, that shallower water and an abundance of forage for the juvenile salmon near Rice Island tends to concentrate the fish and make them more susceptible to predation.

Near East Sand Island there are more species of fish available as prey for the birds, including marine fish. And the water is deeper.

The work group plan would first require the removal of vegetation on East Sand to create 5 to 8 acres of bare sand, the tern's desired nesting habitat. Attraction devices such as tern colony recordings and decoys would be used to attract terns, according to the press release.

Also under discussion are means of "discouraging" terns from returning to Rice Island, such as noise and habitat modification.

Rice Island was created to dispose of dredged materials from the Columbia's shipping lanes. It must still be used for that purpose because it is the largest remaining upland site in that reach of the river with the capacity to hold large amounts of dredge material, according to the Corps.

The working group is considering options to establish vegetation

on Rice and Miller Sands islands to discourage tern nesting over the long term.

The short-term proposal was produced at the request of the Corps, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Those three agencies, as well as the Columbia River Inter-Tribal Fish Commission, the Bonneville Power Administration, the Oregon and Washington departments of fish and wildlife and OSU researchers are represented on the work group.

Final details and funding questions remain to be worked out, according to the Corps.

Link information:

Army Corps of Engineers: http://www.npd_wc.usace.army.mil

13.. PECK NAMED ACTING HEAD OF WDFW

Larry Peck, who has served since March as deputy director of the Washington Department of Fish and Wildlife, has been named the department's acting director.

Peck was appointed to the acting post by the WDFW Commission to replace Bern Shanks, whose resignation took effect Sept. 11. The commission has hired an executive search consulting firm to assist in

finding a permanent director. Peck will be paid the same salary as Shanks received -- \$8,039 a month.

In addition to serving as deputy director, Peck has also performed the duties of the director since June, when the commission voted to accept Shanks' resignation.

Peck has worked 23 years with the department, most of that time in the hatchery program. He served as the department's assistant director for hatcheries before becoming deputy director.

Link information:

WDFW: <http://www.wa.gov/wdfw/>

14. FEEDBACK

RE: SCT article and Decision Process Coordinating Group article in last week's Columbia Basin Bulletin

From BOB HEINITH, hydro coordinator for the Columbia Inter-Tribal Fish Commission:

I find it completely ironic that while the region's fish and wildlife policy makers are moving toward a multi-species approach through the framework and Decision Process groups, mid-level, technical, fishery agency managers and the Corps are continuing to advocate

spending the lion's share of the FY99 CRFM budget on screen systems that, according to the ISAB analyses, select against sockeye, lamprey and salmon fry life histories.

The effect is to cause species that are not now listed to head toward extinction in the disputed belief that screen systems provide protection to listed species. This is a serious disconnect that should alarm regional policy makers and cause them to bring their mid-level managers in line, if only out of sheer embarrassment should Congress, that is forcing more and more regional accountability, and others outside the basin become aware of the seriousness of the problem.

Feedback comments should be sent to Intermountain Communications by e-mail: intercom@ucinet.com. Please put "feedback" in the subject line. We encourage comments about particular stories, complaints about inaccuracies or omissions; additional information; general views about the topic covered; or opinions that counterbalance statements reported.

The Columbia Basin Bulletin is produced by Intermountain Communications of Pendleton, Oregon and supported with Bonneville Power Administration fish and wildlife funds through the Northwest Power Planning Council's Columbia Basin Fish and Wildlife Program. Editor Bill Crampton can be reached at intercom@ucinet.com.

=====

To unsubscribe send a message to: Majordomo@Majordomo.net

into the body write: unsubscribe cbb-list===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01J28CALE3RK00BUGO@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,
25 Sep 1998 17:20:04 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTP id <01J28CAGP1QO00CFJ5@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,

25 Sep 1998 17:19:58 -0400 (EDT)

Received: from zebra.esosoft.net ([207.153.253.162])
by STORM.EOP.GOV (PMDF V5.1-12 #29131)
with ESMTP id <01J28C9QTOBU000LE7@STORM.EOP.GOV> for starler_n@al.eop.gov;
Fri, 25 Sep 1998 17:19:22 -0400 (EDT)

Received: from eagle.esosoft.net (eagle.esosoft.net [192.41.52.221])
by zebra.esosoft.net (8.8.8/8.8.5) with ESMTP id RAA04192; Fri,
25 Sep 1998 17:18:16 -0400 (EDT)

Received: from localhost (eagle@localhost) by eagle.esosoft.net (8.8.5)
id OAA27865; Fri, 25 Sep 1998 14:27:32 -0600 (MDT)

Received: by eagle.esosoft.net (bulk_mailer v1.9); Fri,
25 Sep 1998 14:26:20 -0600

Received: (eagle@localhost) by eagle.esosoft.net (8.8.5) id OAA26877; Fri,
25 Sep 1998 14:26:15 -0600 (MDT)

Received: from ex1.nwppc.org (ex1.nwppc.org [206.234.165.4])
by eagle.esosoft.net (8.8.5) id OAA26777; Fri, 25 Sep 1998 14:26:03 -0600 (MDT
)

Received: by ex1.nwppc.org with Internet Mail Service (5.0.1458.49)
id <SY5S9NJK>; Fri, 25 Sep 1998 13:25:55 -0700

X-Mailer: Internet Mail Service (5.0.1458.49)

X-Priority: 3

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: owner-cbb-list (owner-cbb-list@Majordomo.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 2-OCT-1998 19:20:00.00

SUBJECT: 10/2 CBB, Part 2 of 2

TO: Norman H. Starler (Norman H. Starler@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Table of Contents for Part 2

6. BPA FISH FUNDING: LAVISH OR LEAN?;

7. BPA, CUSTOMERS DISCUSS POWER ALLOCATION

8. WILLAMETTE TEMP CONTROL PROJECT ADVANCES

9. DEMOS STEP UP VETO THREAT ON RIDERS

10. GOVERNORS TO DISCUSS BASIN ISSUES IN BOISE

11. CASAVANT JOINS COUNCIL'S ECONOMICS PANEL

12. TEAM FORMED TO STUDY HANFORD STRANDING

13. IDAHO RIVERS SEEKS PROTECTION FOR 14 RIVERS

14. SENATORS SEEK EXTENSION ON LYNX LISTING

15. CORPS SETS MEETINGS ON LOWER SNAKE STUDY

6. BPA FISH FUNDING: LAVISH OR LEAN?

By Barry Espenson

A broad plan to guide the Bonneville Power Administration's fish and wildlife funding process was critiqued, alternately, as too lavish or too lean Tuesday by a panel ranging from environmentalists to industrial power customers.

Panelists also debated cost recovery strategies being mulled by BPA that would help guarantee the agency's ability to fulfill financial obligations during the 2002-2006 period and beyond.

The panel discussion on proposed BPA "fish funding tools" was staged as part of a daylong conference held in Portland. BPA's goal was to gather input on its recently released "Power Subscription Strategy Proposal" and the accompanying "Fish and Wildlife funding principles" for BPA rates and contracts.

The agency, which is charged with marketing federally produced power at cost, saw a "huge hole" when it began analyzing the costs it might incur during the period, according to Paul Norman, acting senior vice

president for BPA's Power Business Line. "What are we going to spend on fish and wildlife?"

The time period between the current subscription-contract process and the beginning of the rate period contains much uncertainty. A number of Endangered Species Act related decisions are expected that could affect the level of BPA financial responsibility to mitigate for the impacts of the hydropower system on fish and wildlife in the Columbia-Snake river basin.

BPA settled on a set of fish and wildlife cost possibilities ranging from \$438 million to \$721 million annually for the period. It proposes in those guiding principles to calculate future revenue requirements using "probabilities" for 13 different system configuration scenarios. The most expensive option takes into account the potential breaching of four dams on the lower Snake and modification of the John Day dam. A recommendation on system configuration is expected from the National Marine Fisheries Service by the end of next year.

Meanwhile, BPA chose to "keep its options" open with the probabilistic approach to estimating fish and wildlife costs, Norman said. BPA also intends to build financial reserves in the interim, as well as establish other cost recovery mechanisms, to assure it can pay its bills in the post-2006 period when fish and wildlife costs would likely escalate, particularly under a drawdown scenario.

Save Our Wild Salmon Policy Director Tim Stearns praised the BPA

document for stating that the agency will "stand up and accept its responsibilities." The first principle states "Bonneville will meet all of its fish and wildlife obligations once they have been established, including its trust and treaty responsibilities."

But he criticized BPA's probabilistic approach because the odds favor budget planning for the mid-range of costs.

"If we have not kept the most expensive option open, have we kept all the options open?" Stearns said. He, like most others on the panel, told BPA to push for creation of a regional fish and wildlife management plan that picks scientifically supportable restoration means and targets, thus removing the financial uncertainty.

"No decision is a decision," Stearns said. "The fish will be gone."

Rob Walton of the Public Power Council urged BPA to use its clout to bring regional interests together on a common fish and wildlife management course, and spend money more wisely. BPA leverage should be used to push the region's fish managers toward consensus, he said.

Billions of dollars have been spent on "a program that has yet to produce results," Walton said Tuesday. The PPC represents interests of public utility customers.

"It appears to be the opposite of good government and the opposite of good business" to continue to support hatchery programs focused at

boosting fish harvest, while not assisting wild, spawning fish listed under the ESA, he said.

Walton said fishery managers should be forced to address management conflicts, such as those that exist between treaty rights and ESA protections, and set fish and wildlife recovery priorities.

"Nobody wants to make those tough decisions," he said. "We need a plan that works -- desperately."

Steve Waddington, a consultant for the Northwest aluminum industry, echoed the need for spending accountability. Progress toward that goal is impeded, however, by the BPA's broad range of estimated future fish and wildlife costs.

Keeping all the options open "has raised expectations about what is affordable and what is politically feasible," Waddington said. The drawdown scenario's costs include decreased generating capacity as well as impacts on navigation and agricultural irrigation. If it is recommended by federal agencies and scientists, congressional approval would be necessary before dam breaching.

Waddington also questioned the wisdom of setting electricity sales rates at levels designed to accumulate reserves for unknown future fish and wildlife costs. Estimates of reserve goals discussed during Monday's conference included \$500 million by the end of the current rate period and \$2 1/2 billion before the end of 2006 in anticipation of drawdown

implementation costs.

"Don't put money in the bank" until a fish and wildlife recovery strategy is chosen, Waddington said.

In contrast, Tom Stuart of Idaho Rivers United and Jim Baker of the Sierra Club suggested more (reserves and fish and wildlife funding guarantees) is better.

"All scenarios are not equal" in terms of their potential to recover salmon populations, Stuart said. BPA should design its rate structure to produce revenue guaranteed to cover the highest fish recovery costs, and install mechanisms such as rebates to reimburse customers if costs are lower.

Baker implored BPA officials to "take another look at its analysis" that \$500 million per year in fish and wildlife expenditures -- the mid-range -- will be enough during the period.

BPA's principles are great, Baker said, "Now show me the money."

A member of the audience asked if the "tools" described in BPA's principles for funding fish and wildlife programs are sufficient to keep the environmental community from employing "that horrible alternative that's been suggested." The threat is to pursue funding guarantees on a national stage. Receptive congressmen from other parts of the country, envious of the Northwest's lower rates, could ultimately produce

legislation requiring BPA to sell at market prices.

Absent a unified recovery plan, and the promise of money to fund it, that threat remains, Baker said.

"If we need to go to the Midwest, the Northeast, to get what we want for fish," the region's conservation groups will do it, Baker said.

The structure, and content, of BPA "risk management" proposals were also questioned. The subscription proposal and fish and wildlife principles outline options for increasing revenues in direst circumstances (low market prices and low water flows).

Angus Duncan of the Columbia Pacific Institute, and others, criticized the plan for putting a ceiling on a cost recovery adjustment clause (CRAC) at \$100 million annually. The proposal would allow BPA to adjust rates upward if it appeared likely BPA would have to defer making payments to the U.S. Treasury.

"Customers have to be willing to pay up to market" in worst-case scenarios, Duncan said. Neither the CRAC nor a proposal enabling BPA to recover costs through a transmission line user fee are popular options.

"You don't do it if you can avoid it, but you reserve the ability to" use cost recovery mechanisms, Duncan said.

Additional public meetings on the proposal are scheduled Oct. 8 at

Cavanaugh's Ridpath Hotel in Spokane beginning at 10 a.m. and Oct. 14 at the DoubleTree-Lloyd Center in Portland beginning at 9:30 a.m.

BPA will take public comments on the subscription proposal until Oct.

23. It is expected to make a final decision on its products and policies in November and then begin contract negotiations with power customers.

Link information:

BPA: <http://www.bpa.gov>

7. BPA, CUSTOMERS DISCUSS DIVISION OF RESOURCES

By Mike O'Bryant

In what she termed a balancing of the interests of core customers, the environment and a financial responsibility to repay its debts, Judith Johansen, Bonneville Power Administration administrator, presented the agency's "Proposal for the Future" to nearly 300 representatives from public and private utilities, energy agencies, utility commissions and industrial customers.

The crowd that gathered in Portland Tuesday (Sept. 29), in the first of three public hearings to collect comments, was generally supportive of Bonneville's proposal. However, some questioned its details, while a few

questioned the legality of a process that seems to divide the river's resources among user groups.

"As I see it, we are at a turning point. Today the region faces fundamental choices that will affect its environment, its economy, its very way of life for many years to come," Johansen said in her opening remarks. She also proclaimed BPA's intention to "hold our rates at or below current levels until 2006."

There are risks, she said. Three of the four Northwest states have not deregulated. Montana began a four-year phase-in of its deregulation plan in July. There are also uncertainties related to market prices, water and system availability, and how salmon recovery will affect power production.

Despite these uncertainties, after public comment, BPA intends to begin work with customers on a subscription process that some in the audience claim looks very much like an allocation of the system's resources.

While most declared the proposal to be "pretty good," nearly all had something to say about this process which would divide the energy resources of the Columbia River system among user groups.

The proposal gives 5,500 megawatts (MW) of BPA's approximately 7,500 MW of available power to preference customers -- the public utilities spread out through the four states (BPA bases its available power estimates on an average low-water year).

An additional allocation of 1,500 MW would go to the residential and rural customers of investor owned utilities. As much as 1,000 MW of that would be in firm power sales, while 500 MW would be a financial transaction. Depending on how much power preference customers purchase, up to 1,000 MW of firm power and 1,000 MW of interruptable power would be allocated to the Direct Service Industries (DSI), the aluminum and chemical customers BPA serves directly.

Johansen said Bonneville must by law offer power to its preference customers first and the agency will honor this requirement by ensuring all contracts with these customers are completed before turning to the DSIs and private utilities to discuss their contracts.

Ron Eachus, Oregon Public Utility Commissioner, Anne Levinson, Washington Utilities and Transportation Commissioner, and Bob Anderson, Montana Public Service Commissioner, all disagreed with the allocation proposed for the residential and farm customers of investor-owned utilities, saying the allocation should be 1,800 MW in the first years of the contract and rising to 2,200 MW after 2006 when BPA contracts that send power out of the region expire.

Dredging up old tensions of public vs. private power companies, Fergus Pilon, general manager, Columbia River PUD, suggested that an allocation to private utilities should only occur after existing and even new preference customers take their cut. BPA's proposal has newly-formed public utilities paying a higher "tiered" rate, not the preference rate given to existing public utilities. Critics believe this to be contrary

to preference laws and could result in discouraging the formation of new public entities.

Others showed concerns that, after getting power for residential and farm users, IOU's would sell the freed-up power to customers outside the region at a higher price.

Eric "Rick" Redman, who has represented some DSIs in the past and is currently representing some IOUs, questioned whether BPA's proposal is philosophically the right thing to do as well as whether allocation of resources is legal

"The subscription process may be an illegal path to go down. Allocation, which is really what subscription looks like, is what Congress in passing the NW Power Act meant to avoid," he said.

Redman, said Congress gave BPA the authority to acquire resources to meet growing electricity loads in the Northwest. "BPA should increase regional benefits. Don't just divvy them up," he said.

Eachus agreed with Redman's assessment, while supporting the proposed process. "The subscription process may be illegal and maybe what we should be doing is revising the Power Act," he said.

Underlying the discussion was the acknowledgment that something must be done by BPA to determine who will benefit from the Columbia River system. If the region doesn't take care of it, Congress will, a message

that was reflected in a talk by ex-Congressman Al Swift during lunch.

As a Congressman from Washington's 2nd district from 1978 to 1994, and a member of the energy subcommittee, he helped craft the Northwest Power Act. According to Swift, the act was not perfect. It was designed in a time of shortage, but its passage prevented a civil war over power allocations on the Columbia River. Today he advises those involved to adopt an attitude of enlightened self interest to share the benefits of the system equitably.

"By agreeing to share the system, we keep it," he said. "If we can't agree now, others outside the region will decide our fate based on what is good for them, not what is good for us."

Link information:

BPA: <http://www.bpa.gov>

8. WILLAMETTE TEMP CONTROL PROJECT ADVANCES

By Barry Espenson

Although the news from Congress regarding Army Corps of Engineer fish and wildlife project spending has been generally downcast, it did contain one tantalizing tidbit for Willamette and McKenzie river salmon

watchers.

The Corps' appropriation includes \$1 million to further the design of the Cougar Reservoir portion of the Willamette Temperature Control project. The end product would be a 300-foot tower that would allow operators to selectively release water from various levels in the reservoir. The idea is to provide more fish friendly water temperatures downstream.

;

The project, for many, has been waiting in the wings too long. Since first contemplated, the fish populations the project was intended to revive have dwindled -- bull trout joining the Endangered Species list, the spring chinook proposed for listing and rainbow and cutthroat trout populations described to be at 20 percent of their historic levels.

The project's estimated cost has not shrunk. The \$38 million authorized in 1996 is now inadequate. By the time construction could actually begin in 2000 the project costs could total \$70 million.

Those costs include both the Cougar and Blue River projects within the overall Willamette Temperature Control project. Both are located in the McKenzie River subbasin east of Eugene, Ore.

The \$1 million in Corps "general investigation program" funding is for continued engineering and design on the Cougar portion of the project.

The House energy and water development appropriations bill requested \$1.37 million while the Senate version earmarked only \$29,000. A conference committee settled on \$1 million, which will "allow us to make substantial progress toward completion of the design for Cougar," according to George J. Miller, the Corps' project manager. That would enable construction to begin in 2000 if Congress appropriates funding. The Blue River project would be put on hold.

The funding will allow design work to advance on construction contracts -- \$1.8 million for gate fabrication for an existing outlet tunnel at the Cougar dam and \$9.4 million for diversion structures above the dam, Miller said.

The final leg of the four-year Cougar construction contract would be to build an \$17 million intake tower. That temperature control structure would allow selective withdrawal of water from various levels in the reservoirs to more closely match normal (pre-dam) temperatures in the river downstream.

Warmer surface water released from the dam in the fall reportedly prompts premature incubation. Fish emerge from eggs in winter when food is in short supply; many young fish don't survive. Colder-than-normal water released in the spring and summer slow fish growth.

The towers, envisioned at both Cougar and Blue River eventually, would allow dam operators to select water for release from various levels.

Miller called the engineering "clean" or proven to produce positive results. That is, of course, if construction funding is forthcoming. Congress was stingy this year, approving \$60 million for the Corps' Columbia River Fish Mitigation Program. The administration request was for \$117 million.

Complicating matters is the fact that construction cost estimates have climbed dramatically from a feasibility report issued in 1995. And Congress has noticed.

A \$38 million project ceiling (for both Cougar and Blue River) authorized in 1996 is obsolete. The Corps has requested that that ceiling be raised to more than \$57 million under the Water Resources Development Act to be considered this fall. The respective appropriations committees have asked the Corps to outline the reasons for the cost growth and present plans for project cost control.

Early analysis of the cost figures indicates that the feasibility report didn't estimate properly the diversion requirements of the project.

"More structural components (will be needed) to divert the water to allow us to work in the dry," Miller said. Cofferdams will be built behind the dam to divert water toward the existing outlet. The first year would be used to build the cofferdams. The next three would be spent building the 300-foot-high concrete tower in the dry space created by the diversion.

The initial report did not "have the engineering detail that we have now" to make construction cost estimates, Miller said.

The project has been targeted for years. A Sept. 14 letter from Northwest Power Planning Council Chairman John Etchart says the "Council has included the project in its Columbia River Basin Fish and Wildlife Program since 1982."

The letter, sent to Oregon Sens. Ron Wyden and Gordon Smith, endorses the appropriation of design funds and the proposed increase in the projects' authorization ceiling. The letter also cites the support of Oregon Gov. John Kitzhaber, the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, Weyerhaeuser and various local governmental entities.

Both Wyden and Smith have expressed support for the project in letters to Energy and Water Appropriations Subcommittee Chairman Pete Domenici.

The 1998 spring chinook salmon run for the Willamette and McKenzie was estimated at 1,000 to 1,200 wild fish, about 1 percent of the historic run size.

Link information:

COE: http://www.npd_wc.usace.army.mil

9. DEMOS STEP UP VETO THREAT ON RIDERS

By Bill Crampton

The Clinton Administration and 149 House Democrats issued strong statements this week denouncing "numerous anti-environmental riders" attached to this year's appropriations bills, including a proposal by Sen. Slade Gorton that addresses congressional authority over modifications to federal dams in the Columbia River Basin.

Gorton's Columbia Basin proposal is attached to the \$13.4 billion Interior Appropriations Bill, which is now part of an "omnibus spending bill" containing several appropriations bills. Much of the battle over the riders is expected to take place in House-Senate conference committees rather than through debate on the House and Senate floors. A continuing resolution will fund the government until Oct. 9.

The Washington Republican said this week he will be the chairman of the conference committee that will handle negotiations next week over the Interior bill and its 24 riders.

Gorton said he "went through all 24 objections to the bill and didn't see any that should be a showstopper. This bill ought not to be vetoed."

But this week Vice-President Al Gore said with these riders on appropriations bill the Republicans are "trying a sneak attack, burying their special interest riders deep in budget bills where they hope no one will find them. They know their proposals to carve road through wilderness, force overcutting on our national forests, sell taxpayers short, and keep us from addressing global warming can not stand the light of day. So, they are resorting to stealth tactics that endanger our environment -- and our democratic process."

Congress, said Gore, "must end its backdoor assaults and send the President clean bills, free of anti-environmental riders."

Threatening a veto of the appropriations bills, Gore said "we are once again putting Congress on notice: We will not tolerate stealth tactics that do unacceptable harm to our environment or threaten public health."

Meanwhile, House Democrats urged President Clinton "to veto appropriations bill if these objectionable riders remain in them."

"In many cases, the riders appear to be deliberate efforts to evade committee review and floor debate," said the House Democrats. "The riders that have come to a vote attracted substantial opposition."

Northwest Democrats who signed the letter were Oregon's Elizabeth Furse, Darlene Hooley, and Earl Blumenauer and Washington's Jim McDermott.

Gorton's Columbia Basin provision says that "unless specifically

authorized by Congress . . . a federal or state agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the federal Columbia River power system . . . or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

10. GOVERNORS TO DISCUSS BASIN ISSUES IN BOISE

The governors of the four Northwest states gather in Boise Monday to discuss a variety of Columbia/Snake River Basin issues.

Phil Batt of Idaho, Marc Racicot of Montana, John Kitzhaber of Oregon and Gary Locke of Washington are scheduled to convene at 9:30 a.m. Oct. 5 at the Centre on the Grove in downtown Boise.

The governors will first hear a briefing on the activities of the Transition Board and on the Bonneville Power Administration's ongoing subscription process. Dick Watson, the director of the Northwest Power Planning Council's power division, will make the presentation.

During the past several months the Transition Board, composed of representatives appointed by each of the four governors, has been working on proposals for contingent cost recovery mechanisms that could be employed by BPA in cost-revenue situations where its ability meet

financial obligations might be threatened.

Chief among those obligations are fish and wildlife restoration efforts meant to mitigate the impacts of the federal hydropower system.

The proposals developed by the Transition Board have been provided as input to BPA as it goes through its subscription process (establishing contract terms to provide power to customers). BPA recently issued a subscription proposal which includes cost recovery mechanisms which are defined somewhat differently than those of the Transition board. Public comment on the BPA proposal ends Oct. 23.

At 10 a.m. the governors receive an update on progress of the Columbia Basin multi-species framework project from project manager Roy Sampsel. The framework's goal is develop a series of scientifically based options for managing fish and wildlife restoration efforts. Those alternatives' costs and economic, social and cultural effects will also be analyzed.

The development process is employing the input of the states, federal agencies and tribes as well as regional economic interests.

Monday's third agenda item, at 10:30 a.m., will be an update on the governors' river governance proposals. The Offices of the Governors on July 15 issued a paper outlining several models for reform and inviting other ideas on future river governance. Comments on the proposals were accepted through Aug. 21.

The effort is designed to formulate potential legislation that would ensure a strong regional presence as decisions are made related to river uses such as power production, flood control, navigation, irrigation as well as address fish and wildlife restoration needs and address Endangered Species Act and Clean Water Act concerns.

The governors are expected to make a determination later this fall whether to offer a legislative proposal. The presentation will be made by John Volkman, the NPPC's general counsel.

The governors will be available to answer questions from the press at 11 a.m.

A close-door meeting of the governors is scheduled over lunch.

Link information:

NPPC: <http://www.nwppc.org>

BPA: <http://www.bpa.gov>

11. CASAVANT JOINS COUNCIL'S ECONOMICS PANEL

Ken Casavant, former Washington member of the Northwest Power Planning Council, has been appointed to the Council's Independent Economic

Analysis Board.

Casavant, who served on the Council from 1994 to April of this year, is a professor of agricultural economics at Washington State University in Pullman.

Casavant's specialty is transportation economics. He is director of the Eastern Washington Intermodal Transportation Study at WSU, which has evaluated the potential impacts of breaching lower Snake River dams -- the loss of river navigation -- upon the region's economy and transportation infrastructure.

"Impacts of navigation and the costs of alternative transportation are key issues for the future, particularly regarding the four dams on the lower Snake River," said Council Chairman John Etchart. "The IEAB did not have an expert in transportation economics. Dr. Casavant already understands the issues that the region and the Council will address in the future, and he will not face a learning curve, as the other potential new IEAB members would have."

The IEAB was created in 1997 to assess the cost effectiveness of fish and wildlife recovery measures funded by the Bonneville Power Administration. The panel also works with the Drawdown Regional Economic Work Group, which is preparing the economic impact component of the Army Corps of Engineers' Lower Snake River Juvenile Migration Feasibility Study.

Other members include: Joel Hamilton, professor of agricultural economics at University of Idaho; Kenneth Boire of Beaverton, Oregon, a consulting economist specializing in multipurpose water use projects; Daniel Huppert, associate professor at the Institute for Marine Studies at the University of Washington; Lon Peters of Portland, president of Northwest Economic Research; Jack Richards of Boring, Oregon, resource economist retired from the National Marine Fisheries Service; Anthony Scott, professor emeritus of economics at the University of British Columbia; and Paul Sorenson, founder and principal of Belyea, Sorenson, Trottier and Associates, an economics consulting firm in Bothell, Wash.

The IEAB's budget was \$120,000 in Fiscal Year 1998 and is \$390,000 for 1999. Panel members are paid \$75 an hour for their work.

12. TEAM FORMED TO STUDY HANFORD STRANDING

The Grant County Public Utility District and Washington Department of Fish and Wildlife are seeking members to serve on a "technical team" that will assist in a comprehensive investigation of juvenile fall chinook stranding in the Hanford Reach.

The technical team will "work with study participants to develop options for solution of the stranding problem in 1999," says Grant PUD and WDFW in a letter in invitees. "The team will be asked to conduct necessary investigations to identify approaches for a long-term solution to the

problem."

Paul Wagner of WDFW and Joe Lukas of Grant County PUD will chair the technical team, which will consist primarily of biologists.

"Power managers will be kept fully informed of the work of the technical work group," says the invitation letter. "As the technical team begins to develop options, policy representatives of all parties will be asked to begin the process of option evaluation."

The Northwest Power Planning Council's Independent Scientific Advisory Board recently issued a report calling upon the region to address stranding of salmon juveniles in the Hanford Reach as a result of "load following," which is sometimes referred to as "power peaking."

Grant County PUD and WDFW officials say they have discussed the use of a technical team with the Council and ISAB and have solicited their participation.

Organizers to hold an initial meeting of the technical team Oct. 22, 9 a.m., at the WestCoast Sea-Tac, 18220 International Blvd, Sea-Tac, Wa.

Persons interested in participating or seeking more information should contact Dee Chandler of the Grant County PUD at 509-754-5088, ext. 2211.

Link information:

Grant County PUD: <http://gcpud.org/index.html>

13. IDAHO RIVERS SEEKS PROTECTION FOR 14 RIVERS

Idaho Rivers United today released its "Wild and Scenic Rivers in Idaho Status Report" which calls upon the Idaho congressional delegation to add 14 rivers to the Wild and Scenic designation.

The recommended rivers are:

- Lower Salmon (Long Tom Bar to mouth)
- Bruneau (Blackrock Crossing to Hot Creek)
- Jarbidge (Murphy Hot Springs to Bruneau)
- Sheep Creek (Mary's Creek to Bruneau)
- East Fork Owyhee
- North Fork Clearwater
- Cayuse Creek
- Kelly Creek

-- White Sand Creek and Upper Lochsa

-- Upper Priest River (Canadian border to Upper Priest Lake)

-- Selway tributaries: West Fork Gedney Creek, Gedney Creek, Running Creek

Congress passed the National Wild and Scenic Rivers Act in 1968, which prohibited the construction of new dams on the Middle Fork Salmon, Middle Fork Clearwater, Selway, and Lochsa. Sections of the Hells Canyon of the Snake, Rapid River, St. Joe River and Salmon River have been added to the wild and scenic river system.

No Idaho rivers have been added since 1980.

Idaho Rivers United called upon the Forest Service and Bureau of Land Management to complete studies to determine other rivers suited for Wild and Scenic designation and called for increased federal funding for management and protection of designated rivers.

Idaho Rivers complete report can be found at <http://www.desktop.org/iru>

14. SENATORS SEEK EXTENSION ON LYNX LISTING

Five Northwest senators are urging the U.S. Fish and Wildlife Service to

extend by 90 days the comment period on the proposed listing of the Canada lynx as threatened under the Endangered Species Act.

Republicans Gordon Smith of Oregon, Larry Craig and Dirk Kempthorne of Idaho, and Conrad Burns of Montana and Democrat Max Baucus of Montana joined six other senators in urging the extension.

The USFWS describes the Canada lynx as a "secretive forest dwelling cat of northern latitudes and high mountain."

"Due to the secretive nature of this species, little is known about the cat, and records on the official status of the lynx are very poor," say the senators in their letter to Jamie Clark, director of USFWS.

"Additional time is necessary to allow individuals the opportunity to provide informed comment on the proposed listing."

The senators say the listing of the lynx "could significantly impact a large portion of the United States."

Sen. Smith said several of his constituents have expressed concern over length of the public comment period. "I agree that a decision with such sweeping implications deserves more discussion time," Smith said. "In both the Cascades and in Eastern Oregon, this listing could adversely affect recreational opportunities, human access to the national forests, fire management, road construction and timber harvests."

15. CORPS SETS MEETINGS ON LOWER SNAKE STUDY

The Army Corps of Engineers has scheduled a series of public meetings in next month to update the public on the status of the Lower Snake River Feasibility Study, which focuses on how dams can be changed to improved the survival of listed salmon stocks.

The public meetings will be Nov. 9 at Lewiston; Nov. 12 at Tri-Cities; Nov. 16 at Portland; Nov. 19 at Boise and Nov. 23 at Spokane. The Columbia Basin Bulletin will announce meeting times and locations when they become available.

The National Marine Fisheries Service's 1995 Biological Opinion for Snake River wild salmon required the Corps to study structural alternatives to improve salmon migration through the lower Snake River.

The Corps is now studying three three major pathways:

-- EXISTING SYSTEM.

Maintaining the existing system includes allowing fish to pass through turbines, fish bypass systems or over the spillways. Flow augmentation and increased spill assists the migration. Screens guide most fish away from turbines and into a bypass system. The juveniles are either routed back to the river or to a holding area for transport downriver by barge or truck.

-- MAJOR SYSTEM IMPROVEMENTS

This pathway includes the construction of surface bypass collection systems, fish guidance improvements, turbine modifications, structural changes to reduce dissolved gas and possible operational changes, such as increased flow and spill. Under this alternative juveniles could either be collected and transported or diverted back to the river.

-- NATURAL RIVER DRAWDOWN

Existing reservoirs would be permanently lowered to natural flows by removing the earth-filled section of each dam, creating a 140-mile free-flowing river. This would eliminate existing reservoir related and dam passage mortality and speed up the downriver migration. Commercial navigation and hydropower production would cease to exist, while irrigation and recreation would be impacted.

The Lower Snake feasibility study will include the most current, complete scientific study results; a schedule and budget for implementation of each alternative; and an environment impact statement.

The EIS will identify environmental and social economic impacts and compare the impacts and costs of each alternative. The final EIS, due in 1999, will be identify tradeoffs and is intended to be used by policymakers to make decisions on the long-term configuration of the lower Snake hydro system.

Link information:

Army Corps of Engineers: <http://www.nww.usace.army.mil>

Feedback comments should be sent to Intermountain Communications by
e-mail: intercom@ucinet.com. Please put "feedback" in the subject line.

We encourage comments about particular stories, complaints about
inaccuracies or omissions; additional information; general views about
th

=====

To unsubscribe send a message to: Majordomo@Majordomo.net

into the body write: unsubscribe cbb-list===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01J2I8NPASQO00DZP3@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,
2 Oct 1998 19:24:01 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTP id <01J2I8NLUHFK007Y0Z@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,

02 Oct 1998 19:23:57 -0400 (EDT)

Received: from zebra.esosoft.net ([207.153.253.162])
by STORM.EOP.GOV (PMDF V5.1-12 #29131)

with ESMTP id <01J2I8MUBUY0002H0@STORM.EOP.GOV> for starler_n@al.eop.gov;
Fri, 02 Oct 1998 19:23:19 -0400 (EDT)

Received: from eagle.esosoft.net (eagle.esosoft.net [192.41.52.221])
by zebra.esosoft.net (8.8.8/8.8.5) with ESMTP id TAA27814; Fri,

02 Oct 1998 19:21:46 -0400 (EDT)

Received: from localhost (eagle@localhost) by eagle.esosoft.net (8.8.5)
id RAA24581; Fri, 02 Oct 1998 17:21:25 -0600 (MDT)

Received: by eagle.esosoft.net (bulk_mailer v1.9); Fri,
02 Oct 1998 17:20:56 -0600

Received: (eagle@localhost) by eagle.esosoft.net (8.8.5) id RAA24172; Fri,
02 Oct 1998 17:20:53 -0600 (MDT)

Received: from ex1.nwppc.org (ex1.nwppc.org [206.234.165.4])
by eagle.esosoft.net (8.8.5) id RAA24117; Fri, 02 Oct 1998 17:20:48 -0600 (MDT
)

Received: by ex1.nwppc.org with Internet Mail Service (5.0.1458.49)
id <4BHXLNBY>; Fri, 02 Oct 1998 16:20:28 -0700

X-Mailer: Internet Mail Service (5.0.1458.49)

X-Priority: 3

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: owner-cbb-list (owner-cbb-list@Majordomo.net@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:23-APR-1999 16:08:00.00

SUBJECT: 4-23 CBB, Part 1 of 2

TO: Norman H. Starler (Norman H. Starler@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

THE COLUMBIA BASIN BULLETIN:

Weekly Fish and Wildlife News

April 19-23

EDITOR'S NOTE: You are already signed up to receive the Columbia Basin

Bulletin every week. To keep receiving it, you don't need to do

anything. If you DO NOT wish to receive future e-mail versions of the

Bulletin, send an e-mail with no subject line to

cbb-list-request@majordomo.net. In the body of the message, write

"unsubscribe." You will automatically be removed from the list. If the

Bulletin has been forwarded to you, please subscribe by sending an

e-mail to cbb-list-request@majordomo.net and typing "subscribe" into the

message. Archive editions are available at

<http://www.nwppc.org/bulletin/bulletin.htm>

---Bill Crampton, editor, intercom@ucinet.com

TABLE OF CONTENTS

1. GORTON, BABBITT AT ODDS OVER DAMS

2. FISH MANAGERS SEEK PROJECT INCREASE

3. HANFORD GROUP MODIFIES STRANDING PLAN

4. MAINSTEM PROJECTS GET CAUCUS APPROACH

5. TERNS ARRIVING AT EAST, RICE ISLANDS

6. JUDGE MARSH: FINISH FISH PLAN

7. TRIBES' FUNDING REQUEST DENIED

In Part 2

8. DEFAZIO QUESTIONS BREACHING CAMPAIGN

9. PGE, TRIBES DISCUSS DESCHUTES DAMS

10. TREATY FISHING ACCESS SITES REVIEWED

11. PARALLEL PROCESSES MEET SAME DAY

12. HATCHERY REVIEW SCHEDULE SLIPS

13. BULL TROUT PLANS MOVE FORWARD

14. LEGISLATURE AIMS FUNDS AT BULL TROUT

15. OREGON ISSUES WILLAMETTE PLAN

16. FEEDBACK

GORTON, BABBITT AT ODDS OVER DAMS

Secretary of Interior Bruce Babbitt and Sen. Slade Gorton, R-Wash., continue to lock horns over Gorton's demand for congressional authority for any dam removal in the Northwest.

An exchange between the two men on Thursday at a hearing by the Senate Interior Appropriations Subcommittee, which Gorton chairs, indicated no breakthrough in their stalemate of last year.

That's when Gorton linked congressional approval of the Administration's request for funds to begin tearing down two small dams on the Elwha River on the Olympic Peninsula to its support for his legislation protecting other dams.

After negotiations between Gorton and Babbitt and White House officials failed, Gorton was forced to drop a legislative rider to the FY1999 interior appropriations bill, and in return, he killed funding for the Elwha project. Since then, Gorton has not wavered in his demand but indicated he would make another stab at reaching agreement with the Administration.

At Thursday's hearing on the Department of Interior's FY2000 budget request, the senator asked Babbitt whether an agreement was possible "that will allow us to go forward on the Elwha - even at a somewhat slower speed than we would have if we'd started last year - and provide a degree of protection and public consent with respect to major decisions on the Columbia and Snake rivers?"

Babbitt said, however, that after thinking about and studying the hydropower dam licensing system since last year, he opposed linking the two issues and opposed changing the Federal Energy Regulatory Commission's authority over non-federal dams. The Administration has acknowledged Congress has authority over federal dams, including the four lower Snake River dams whose removal is being considered by federal agencies as an option for restoring endangered salmon runs.

Congress in 1993 authorized removing the Elwha dams to restore wild salmon runs in Olympic National Park, but has not approved funding. Last year, the Administration sought \$122 million.

On Thursday, Gorton said negotiations reached an impasse because the Administration refused to rule out removal of "non-federal dams that are far more important to the economy of the Pacific Northwest than even the four dams on the Snake." Gorton was referring to Washington public utility districts' dams on the mid-Columbia River upriver from its confluence with the Snake.

But Babbitt said federal licensing and periodic relicensing of non-federal dams under FERC is a system that has "worked well" since first advocated by President Teddy Roosevelt. "I just think it's inappropriate to freeze a system that is working over apprehensions that I think are entirely unjustified," he said.

"I think we have a just flat out difference of opinion," Babbitt continued. "It can be argued both ways, but I believe that history and reality argue for using the existing system and it has never led to an inappropriate result, and I don't think it's going to."

As an example, Babbitt cited recent negotiations that have led to an agreement to modify the Condit Dam on the White Salmon River in Washington state.

Under FERC licensing and relicensing, dam owners must meet various requirements, including mitigating for fish and wildlife impacts. A number of major non-federal dams in the Northwest are scheduled to face relicensing in the next few years.

Gorton said public utility districts fear they will be required to meet onerous conditions or demands for removal. "The simple oral assurance that nothing is going to happen is insufficient either for them or for me," he said.

After the hearing, Babbitt told reporters the Administration would try to persuade Congress "to give us the funding necessary to get

the dams down, provide a water supply for (the town of) Port Angeles, and restore the fish. But I cannot acquiesce in having it held hostage to a whole range of other issues." Babbitt called Gorton's proposal "a back door rewrite of federal hydro(power) policy that would apply nationwide."

An aide to Gorton said the senator was considering whether to attach dam protection legislation to the FY2000 appropriations bill and would decide in the coming month.

Rep. Norm Dicks, D-Wash, on Thursday told the Seattle Post Intelligencer that he will use his position as ranking Democrat on the House Interior Appropriations Subcommittee to push for funds to remove the Elwha dams, and then attempt to persuade Gorton to back down in conference committee.

Also after the hearing, Gorton issued a statement blasting the Clinton administration and vowing to take action in Congress.

"Unfortunately, Secretary Babbitt's refusal today to take the option of Columbia-Snake River dam removal off the table illustrates that the Pacific Northwest's economic foundation is still at risk of being destroyed by the Clinton-Gore Administration," he said.

Gorton who is running for re-election next year has previously attacked Vice President Al Gore on the issue when Gore has visited Washington state in preparation for his 2000 presidential campaign.

"I stand with my eastern Washington residents in expressing my profound belief that this Administration wants to use Elwha as a test case for dismantling dams on the Columbia and Snake Rivers," Gorton said.

"I will not stop working for answers that benefit everyone. Some will criticize me for not simply letting the Administration dictate this decision for us, but I believe a positive resolution can be found that answers the concerns of people on the Olympic Peninsula and Eastern Washington. And I won't rest on this issue until I reach that goal."

2. FISH MANAGERS PROPOSE PROJECT INCREASE

By Barry Espenson

The region's fish and wildlife managers have bumped up their annual budget request for regional restoration projects and research, in large part because of an anticipated increase in responsibilities due to additional Endangered Species Act listings.

The Columbia Basin Fish and Wildlife Authority's recommended budget for fiscal year 2000 is balanced at \$141,126,858 -- \$14 million more than the amount specified in the Bonneville Power Administration's Memorandum of Agreement guiding the agency's \$435 million a year "fish

budget."

The MOA, covering the years 1996-2001, allocates \$127 million annually for the Columbia River Basin Fish and Wildlife Program, sometimes called the "direct program."

The budget outlined in CBFWA's Draft Annual Implementation Work Plan assumes the availability of \$2.6 million from a contingency/inflation reserve, \$2.6 million in unobligated fiscal year 1998/1999 project funds and an estimated \$2 million in interest on 1999 funds. The organization of federal, state and tribal fish and wildlife managers also recommended the use of \$4.9 million in unused capital investment funds.

A similar adjustment to the budget, from the base \$127 million to \$132 million was requested by CBFWA and approved last year by the Northwest Power Planning Council, which passes final judgment on the project list in September. The Council submits its recommendations to BPA.

"We've got plenty of time to work on the budget issue," said Doug Marker, senior policy coordinator for the Council's fish and wildlife division. CBFWA, NPPC and BPA will discuss the appropriateness of the budget assumptions.

More complicated will be the managers' presumptions about increased costs due to new ESA listings, Marker said. Specific new

responsibilities need to be identified. It also must be identified who would be responsible for funding new responsibilities.

"There's a sequence of issues" that need to be discussed, Marker said.

The draft work plan's executive summary suggests that those discussions should begin.

It quotes a section of the MOA that says the financial impact of new ESA measures and appropriations is considered an "unforeseen event." If such an event forces impacts that exceed the MOA funding and contingencies, the MOA says the parties involved should consult on possible means to "provide for the financial consequences" so that the purposes of the agreement continue to be fulfilled.

"CBFWA members may be consulting with the parties under the MOA and the Council about the significant additional costs imposed by the new ESA listings on FY 2000 and FY 2001 activities and on how to provide for adequate funding," the work plan's executive summary reads.

"What we're arguing is that this (budget proposal) is for FY 2000. By the time FY2000 projects are implemented" the costs of specific projects will have escalated to meet ESA demands, said Brian Allee, CBFWA's executive director.

Allee said the current MOA spending limits were set without

taking the most recent listings into consideration. A number of FY 2000 proposals are specified as ESA projects.

"What we're saying is that we see an increasing need in the future," Allee said. He said CBFWA's managers need to continue discussions with Council and BPA staff to ensure that all of the available MOA funds are available to spend on fish and wildlife projects.

"There is more need than there is dollars," Allee said.

The mid-April completion of CBFWA draft work plan is the first leg in the project process set up by the so-called Gorton Amendment to the Northwest Power Planning Act.

The Independent Scientific Review Panel, created as a result of the amendment, and other peer reviewers have been conducting analyses of the projects' technical merits. CBFWA caucuses likewise judge the projects technical and management merits. The 435 proposals submitted totaled \$229 million in funding requests.

The work plan places the projects in one of three tiers -- recommended for funding, recommended for funding pending sufficient additional funds or not recommended for funding.

The ISRP will now judge the CBFWA work plan for program consistencies, Marker said. The scientific panel is expected submit its

recommendations and observations on the project proposals to the Council by June 15.

The proposed budget allots \$101.4 million to anadromous fish projects, \$17.9 million to resident fish projects and \$14.5 to wildlife projects. A total of \$5.3 million is earmarked to support BPA and ISRP activities.

The anadromous fish recommendation overshot the managers "target operating budget" by \$3.4 million. Inflation was one factor identified. An increase in operation and maintenance costs associated with the completion of projects also swelled the budget.

The anadromous fish managers proposed balancing their budget by "borrowing from a year 2001 contingency/inflation reserve and by cutting BPA's administrative budget to 70 percent of its suggested total. The managers reason that "30 percent of BPA's administrative costs are directly related to anadromous fish capital project planning and management and should be funded from the capital budget category of the MOA."

The single biggest proposal was \$14.6 million to continue major construction at the Nez Perce hatchery. The project drew nearly \$8 million this year and it is estimated \$6.5 million will be needed in 2001 to complete the project, Marker said.

CBFWA's draft work plan will be open for public comment through

August. A revised version incorporating responses to the ISRP report and public comments will be delivered to the Council in early September. The Council will adopt its recommendations in late September. BPA will then begin executing contracts "for the protection, mitigation and enhancement of the Columbia Basin's fish and wildlife resources."

Link information:

BPA: <http://www.bpa.gov>

NWPPC: <http://www.nwppc.org/>

CBFWA: <http://www.cbfwf.org>

3. HANFORD GROUP MODIFIES STRANDING PLAN

By Mike O'Bryant

The Hanford Reach stranding policy group agreed to two in-season management modifications in two weeks, the first in-season changes for the group.

The first change, which deletes the weekend re-wetting operation, was discussed Friday (April 16) and instituted by noon of the same day. The second change, which sets flow targets for this weekend, was agreed to during a conference call Wednesday (April 21).

After several members of the policy group questioned the effectiveness

of the April 10-11 weekend re-wetting operation with respect to size and number of fluctuations, the group suggested deleting the weekend re-wetting regime all together. With no significant objection to the proposal, it was put into effect immediately.

Under the original plan, weekend flows were managed differently than weekday flows. But the weekend plan resulted in some broad fluctuations, said Doug Ancona, Grant County PUD's manager of natural resources and regulatory affairs.

"The weekend re-wetting every eight hours didn't turn out to be as effective as we had hoped," Ancona said. "We didn't react as much to the data [on stranded fish] because the sample was still quite small. We responded more to the broad fluctuations that could potentially create trouble."

The data collected by two monitoring teams for the period April 12 through 18, looked at 93 sites -- finding 95 stranded chinook, 53 of which were dead.

"It's always been difficult to extrapolate this information into something that's meaningful," said Jim Ruff, senior hydrologist with the Northwest Power Planning Council. "But when you see 50 percent or more of the fish you find that are dead, then there is a problem."

Ruff said the problems occurred under the weekend re-wetting regime and with declining flows. The two modifications to weekend operations are

designed to correct them, he said.

By eliminating the weekend re-wetting program, weekend flows are now managed under the weekday regime where flow fluctuations are limited to plus or minus 20 cubic feet per second. Re-wetting is a practice in which the river is periodically reflooded to free trapped fish.

The second modification, which was proposed by the power managers, sets actual levels of daily minimum and maximum flows for Thursday through Sunday, April 22 through April 25. The flows are set so the weekend high flows don't exceed the average flow by more than 15 cfs of the average daily flow. Low flows, however, could drop by as much as 25 cfs to accommodate the predicted decline in average flows over the weekend. Flow fluctuations still will be plus or minus 20 cfs. According to predictions, average flow during this period will decline from 140 cfs on Thursday to 125 cfs on Sunday.

In a memorandum outlining the change, Ancona said the estimates were based on BPA projections and that it will only be "accomplished through drafting Wanupum and Priest Rapids Reservoirs and through cooperation with upstream operators."

With more fish emerging, Ancona said this was a preventive measure and that it's better to do it now than to wait for problems.

"As operators of the dam just above Hanford Reach, we're not in a situation where we can take huge risks with fish," he said. As

temperatures warm, getting water will be less of a problem, he said. He expects further changes in the future as the group continues its in-season monitoring and management.

"I've worked a lot with in-season management in the past and it works well when you have monitoring," Ancona said. "This resource is so unpredictable, you have to stay on top of it."

He said a third monitoring crew and boat was added last weekend, thanks to the Yakama Tribe.

Ruff agreed that in-season management is working. "The monitoring was done, concerns were raised, the right parties were brought together, and the problem was addressed," he said.

"Given the time we've had to put this together, this is somewhat of a precedent," Ancona said. "When the emergence is complete and we've completed our spill program, a major event for Grant PUD, we'll turn to what we need to do next year and for the longer term."

The one-season operating plan was implemented March 10, in hopes of avoiding the high stranding mortality that occurred during the 1998 rearing season. Fry typically emerge from Hanford Reach redds and rear in the area from March through June, feeding near shore where they can be stranded in shallow pools when river levels fluctuate.

The process included as power managers the mid-Columbia River PUDs, the

Bonneville Power Administration, the Army Corps of Engineers and the Bureau of Reclamation. Fish managers that participated are the National Marine Fisheries Service, Washington Department of Fish and Wildlife, Columbia River Inter-Tribal Fish Commission, and US Fish and Wildlife Service.

Link information:

Grant County PUD: <http://www.gcpud.org>

BPA: <http://www.bpa.gov>

4. MAINSTEM PROJECTS GET CAUCUS APPROACH

By Barry Espenson

The group responsible for recommending regional spending priorities to improve fish passage at Columbia-Snake mainstem dams has decided to tackle the task from three angles -- effectively splitting into three delegations representing the tribes, the states and the federal agencies.

Members of the three groupings were asked Thursday to decide amongst themselves how to rank a list of 49 proposed Corps of Engineers' Columbia River Fish Mitigation Program projects. Each group is to seek agreement on a score of between 0 and 100 for each of the projects.

When the umbrella group, the multi-agency System Configuration

Team, reconvenes in June, the tribe, state and federal "scores" will be averaged to determine a ranking of the projects.

The estimated cost to fund all 49 projects is slightly over \$100 million -- the amount requested in the Administration's budget.

The ranking is done to determine what projects might fall out if Congress appropriates less than the amount requested.

The SCT was formed by the National Marine Fisheries Service in an attempt to reach consensus on decisions to implement hydrosystem actions described NMFS' 1995 Biological Opinion for Snake River wild salmon. Biological and technical specialists representing Idaho, Oregon and Washington and five federal agencies participate.

The SCT tries to reach a consensus on project ranking but the federal agencies retain the final authority to implement projects.

The 13 Basin tribes have declined official participation. But Bob Heinith of the Columbia River Inter-Tribal Fish Commission regularly engages in debates on the issues.

It is Heinith who requested during a subcommittee meeting that voting power be spread more equitably, said Witt Anderson, CRFMP program manager. In the past each of the SCT participants had ranked the projects with all of the scores averaged to produce a final score or ranking. In that process, the tribes' only voice - Heinith -- mingled

with the 10 or more votes cast by state and federal representatives.

Heinith, who did not attend Thursday's meeting, suggested that the SCT follow the lead of the newly created Columbia River Basin Forum. It established a discussion forum with equal representation for each of the three sovereign entities.

The subcommittee agreed to bring the proposal to the SCT, which went along with the three-way split. The subcommittee included Anderson, Phil Thor of the Bonneville Power Administration and Bill Hevlin of NMFS. Hevlin is SCT co-chair.

Anderson said that Heinith had promised to approach CRITFC's four member tribes, as well as the other nine Basin tribes, about representing tribal interests in the mainstem capital construction project ranking process.

Jim Ruff of the Northwest Power Planning Council will join the Idaho, Oregon and Washington representatives in the state caucus. He's also an SCT co-chair.

The Corps, NMFS, BPA, the Fish and Wildlife Service and the Bureau of Reclamation form the federal caucus.

The SCT also agreed to employ a set of 24 criteria in ranking the 49 projects. But, again following the recommendations of the subcommittee, SCT assigned specific "weight" to just three broad

criteria categories.

Each project's potential for "biological effectiveness" is to have the biggest weight -- 50 percent. That means that, out of 100 possible points, up to 50 can be awarded based on that project's perceived biological effectiveness. The category includes eight criteria, such as protecting the greatest number of life history types or stocks, known or theoretical survival benefits, total number of fish expected to benefit and maintenance of biodiversity.

Policy/management criteria (consistency with established policy commitments, key knowledge to be gained, timeliness, permanent benefits, cost-effectiveness) are to be given 30 percent weight in considering a project's worth. Monitoring and evaluation criteria could comprise up to 20 percent of a project's score.

Members of the subcommittee "agreed that biological effectiveness was the most important and should have the most weight" in ranking projects, Anderson said of the three categories. The full SCT agreed.

"We're not saying that all of these (criteria) have to be applied to all of the projects," Hevlin said. Each caucus will have to decide relevance of the individual criteria to the project.

The individual caucuses need to "grapple with these things and come back with three positions, not 15," said facilitator Donna

Silverberg.

The biggest single project under consideration at this point is surface bypass technology at Bonneville Dam. The estimated cost for fiscal year 2000 is \$15.34 million to modify and test a Powerhouse 1 prototype and continue design, and potentially start construction, of a permanent corner collector at Powerhouse 2.

Other projects include \$8.57 million for work related to the extended length screen/JBS system at McNary Dam, \$8.26 million for the surface bypass program at Lower Granite Dam, and \$5.9 million for the system gas fast track program.

Link information:

BPA: <http://www.bpa.gov>

NMFS: <http://www.nwr.noaa.gov>

CRITFC: <http://www.critfc.org>

NWPPC: <http://www.nwppc.org/>

COE: http://www.npd_wc.usace.army.mil

USFWS: <http://www.r1.fws.gov/>

5. TERNS ARRIVING AT EAST, RICE ISLANDS

By Mike O'Bryant

Nearly 1,800 Caspian terns have arrived in the Columbia River estuary as of this week, but most are favoring Rice Island over the newly-prepared habitat of East Sand Island. A count of terns earlier this week found that 1,400 terns have made their home at Rice Island, while only 300 to 400 terns have chosen the new site.

Although it's too early to know for sure, a National Marine Fisheries Service biologist believes the plan to move most of the terns from Rice Island to East Sand Island is going well and is encouraged that preliminary findings show a significant change in diet for those birds nesting at East Sand Island.

"It's still early in the nesting season, but so far we haven't exceeded the target level for one acre on Rice Island," said Ben Meyer, a NMFS fisheries biologist. "Most of the birds will arrive in the next one to three weeks and will begin nesting in mid-May."

He said the target level for Rice Island was a little over 1,000 nesting pairs, or one-eighth of the 10,000 nesting pairs that have made Rice Island their summer home over the past decade. The target was set by an Army Corps of Engineers compromise plan that leaves one acre of bare sand on Rice Island, an area large enough to provide nesting for the 1,000 nesting pairs. To reduce the nesting area, the Corps planted winter wheat on seven of the eight acres, as well as on the upper end of Rice Island, and recently added fencing to the nesting area to further discourage nesting. The plan also calls for seeding Pillar Rock Island where there is 10 acres of bare sand as a result of dumping dredged

material.

When the tern population at Rice Island exceeds its capacity to hold nesting sites, Meyer believes the birds will begin to look for other habitat to nest and that East Sand Island will be their choice.

The colony of Caspian terns on Rice Island is the largest in North America and represent nearly one-quarter of the terns in North America. Terns return to the river in late March and April and begin nesting and laying eggs in May.

Meyer said salmon smolts are already in the estuary and that terns at Rice Island are predictably feeding on them while the diet of East Sand Island terns is varied.

"Birds at the Rice Island colony are taking salmon as in past years," Meyer said. "But the terns at East Sand Island have a much more cosmopolitan diet. Right now many fish are taken and used as part of the terns' courtship ritual, where the male brings a fish back to a female."

He said preliminary findings are that the terns at East Sand Island are mostly eating sand lance, which are relatively abundant in the lower estuary and larger than salmon smolts, along with shiner perch and juvenile salmon.

Meyer said some additional "fine tuning" was also done this week, such as additional fencing at Rice Island in areas where birds were beginning

to spread out beyond the one acre nesting area.

He did say the winter wheat is coming in pretty well in the upper reaches of Rice Island and birds have not shown an inclination nest in that area. However, grass has not taken as well in the nesting area on lower Rice Island, he said.

"The grass is growing, but not enough to deter the birds from nesting," Meyer said. "However, between the grass and the fencing, things are going pretty well so far."

Meyer said they don't know at this time whether East Sand Island birds are flying the 15 miles upstream to feed on salmon smolts near Rice Island.

"We're setting-up to capture some birds and radio tag them," he said.

"We'll have to wait until the birds begin to nest before we can attempt that."

He said studies will continue through the time the birds fledge, which is in July or later. At that time the birds begin to disperse throughout the estuary and even into the Portland area, and then begin to work their way back south at the end of summer.

Link information:

COE: <http://www.nwp.usace.army.mil>

Tern Plan: <http://www.nwp.usace.army.mil/pe/e/images/caspterna3g.pdf>

6. JUDGE MARSH: FINISH FISH PLAN

By Barry Espenson

Participants in U.S. v Oregon negotiations were exhorted Tuesday to come up with a new Columbia River Fish Management plan to guide hatchery and harvest activities.

"I can't express how much I want you to be successful in these negotiations," U.S. District Court Judge Malcolm F. Marsh said during a status conference in his Portland courtroom.

"It would be sad if you had to return to this court with one piece of litigation after another" to settle treaty issues, Marsh said. The court "should not be managing the Columbia River. The hope lies in you putting this together again."

Marsh, via an order and stipulation late last year, extended the terms of CRFMP -- which were set to expire Dec. 31 -- through July 31, 1999. The stipulation was made to allow negotiations to continue on the development of a new long-term management plan to be implemented by Lower Columbia treaty tribes, the federal government and the states of Oregon, Washington and Idaho.

The federal court approved the original plan in October 1988 after 20 years of legal jousting over treaty-reserved fishing rights. As lead judge in proceedings related to U.S. v. Oregon -- a 1968 treaty fishing rights case -- Marsh monitors the CRFMP negotiations.

The agreements outline harvest and escapement levels for various species and prescribe production actions. The plan was amended in 1996 through two three-year management agreements, one for Upper Columbia spring chinook, summer chinook and sockeye and the other for Upper Columbia fall chinook.

All would have expired at year's end. The extension applies to the original CRFMP and the three-year agreement for spring chinook, summer chinook and sockeye.

Dec. 31 also marked the expiration of biological opinions to determine the impact of CRFMP harvest and production activities on species listed under the Endangered Species Act. The National Marine Fisheries Service has since produced biological opinions but has not been able to factor in specific actions that would be detailed in a new CRFMP -- if negotiators produce one.

Those involved in the negotiations made no promises Tuesday.

"I don't foresee a long-term plan until we're sure there will be a fair sharing of the conservation burden," said Tim Weaver, attorney for the Confederated Tribes and Bands of the Yakama Indian Nation. He

and others involved in the conference said they are struggling to apportion that responsibility.

Harvest by the tribes and others aimed at healthy fish populations can result in the take of listed species. Limits on that incidental take are prescribed in the Endangered Species Act.

The scope of the lawsuit is limited to production and harvest. But fish populations' status is tied to other factors -- such as the impacts from the hydrosystem and degraded habitat, Weaver said. He said the federal agencies involved are struggling to address habitat and hydrosystem issues "so they're going to take it out of someone else's hide" by trying to limit tribal treaty rights.

The whole purpose of the lawsuit was to make sure those treaty rights aren't restricted because of the actions of others, Weaver said.

Weaver said the tribes were dedicated to working with the other parties to the lawsuit in developing a plan.

"There are just a lot of issues that are different this time," he said.

A number of regional processes are attempting produce fish and wildlife recovery plans that address all of the "4 H's." They include federal caucus work to produce a decision on hydrosystem configuration, as well as a "green paper" addressing the 4 H's. The tribes have not

been involved in that process, Weaver said.

Other efforts include the Northwest Power Planning Council's development of a multi-species analytical framework and the formation of the Columbia River Basin Forum.

Justice Department attorney Fred Disheroon agreed that the issues outside the scope of the lawsuit, such as how hydrosystem and habitat impacts will be addressed, hinder the U.S. v. Oregon negotiations.

"It's not necessarily that we're at loggerheads," Disheroon said of the negotiations. "We just can't finalize anything" with so many related issues unresolved. It would help, he said, if some of the other processes had been completed but no answers are due until later this year. Crucial decisions would have to be made in the U.S. v Oregon negotiations before the July 31 expiration date, and the start of the major summer-fall fish runs.

"The tribes need to know what's going to happen" in hydrosystem and habitat before it can properly judge its conservation responsibilities, said Howard Arnett, attorney for the Confederated Tribes of the Warm Springs Reservation.

Judge Marsh emphasized the importance of the U.S. v. Oregon negotiators' efforts. An agreed-upon management plan "can be the bellwether for all those other folks that are working diligently" to

devise recovery plans.

"The real progress that has been made has been made with this group," Marsh said. Those who participated in developing the original plan recognized their individual differences but forged compromises.

"This group, with some lapses, has really kept the fish as the primary focus," Marsh said.

The next status conference has been scheduled for June 23.

Parties involved in the lawsuit are the Confederated Tribes and Bands of the Yakama Indian Nation; the Confederated Tribes of the Warm Springs Reservation of Oregon; the Confederated Tribes of the Umatilla Indian Reservation; the Nez Perce Tribe; the Shoshone-Bannock Tribes (as intervenors); the federal government; and the states of Oregon, Washington and Idaho.

7. TRIBES' FUNDING REQUEST DENIED

An estimated \$180 million in "unspent" capital investment funds will be used to benefit fish and wildlife beyond the year 2001, not redirected to fund other mitigation projects during the current budget period as the chairmen for the four Lower Columbia treaty tribes had requested.

That's the conclusion offered to the tribes by Bonneville Power Administration administrator Judith Johansen.

The chairmen of the four Lower Columbia treaty tribes in October asked that "BPA set aside the unspent budget commitment for the 1996-2001 period for fish and wildlife mitigation rather than roll it over into the BPA reserve for the 2001-2006 period."

The letter was signed by Samuel Penney of the Nez Perce Tribe, Antone Minthorn of the Confederated Tribes of the Umatilla Indian Reservation, Olney Patt Jr., of the Confederated Tribes of the Warm Springs Reservation and Bill Yallup Sr., of the Confederated Tribes and Bands of the Yakama Indian Nation.

The tribal leaders said that "BPA committed to use this money during the 1996-2001 period for fish and wildlife to address desperately needed fish and wildlife mitigation and restoration. BPA should not go back on its commitment for the 1996-2001 period by pushing this unspent commitment into the next rate period."

The chairmen asked that BPA work with the tribes to develop alternatives for using the unspent funds for fish and wildlife mitigation before 2001.

The tribes pointed out, and Johansen agreed in an April 6 response, that approximately \$180 million in "unspent" funds will have

accumulated by September 2001. A 1996-2001 memorandum of agreement stipulates that BPA make available \$252 million per year for expenditures for fish and wildlife in areas other than system operations.

Johansen pointed out that in two of three budget areas, the direct fish and wildlife program and reimbursible expenditures, all available funds will likely be spent during the MOA period.

The capital expenditure fund, estimated in the MOA at an average of \$112 million per year, has been underspent. BPA spokesmen say that Congress has not appropriated the funds expected for Corps of Engineers and Bureau of Reclamation projects at the dams and the schedule for some construction projects have been pushed back.

The result is that BPA's obligation to repay the U.S. Treasury for capital expenditures and interest has been lessened.

The tribal chairmen say the MOA demands the funds be spent on fish and wildlife and had asked that it be channeled to other purposes. Johansen assured them that the funds would be spent for fish and wildlife, but not until the post 2001 period.

"The MOA commits us to make any funds remaining as a Carry-Forward balance after September 30, 2001, available for the benefit of fish and wildlife and not to re-program them for a non-fish and wildlife use. We intend to honor this commitment," Johansen wrote.

"However, the MOA does not require that Bonneville make this \$180 million available as an amount over and above the expenditures that we otherwise would be making for fish and wildlife projects. It simply requires that the funds be applied to future fish and wildlife projects, which we intend to do."

An article in a recent Columbia River Inter-Tribal Fish Commission publication said the chairman wanted the \$180 million set aside for fish and wildlife projects "rather than simply making it part of BPA's debt repayment reserve fund. BPA uses a reserve fund to absorb fluctuations in power sales to assure that it can repay its debt to the federal treasury for about 80 percent of the cost of construction for federal dams and the transmission system, as well as repay its obligation to WPPSS bondholders."

That's not so easy. By law, "the BPA fund is a single pool of money," said Roy Fox, BPA's manager of federal hydro projects. "People like to color code money" by saying this fund should be earmarked to pay fish and wildlife, and this fund is earmarked to pay other bills. It is, in essence, one account, Fox said.

"In total we will meet our bills," Fox said.

"We will have a defined obligation for fish and wildlife for the period beyond 2001," Fox said. "We are going to use whatever resources we have to satisfy our obligation."

Link information:

BPA: <http://www.bpa.gov>

NMFS: <http://www.nwr.noaa.gov>

CRITFC: <http://www.critfc.org>

End of Part 1

=====

To unsubscribe send a message to: Majordomo@Majordomo.net

into the body write: unsubscribe cbb-list===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01JADP8GIM80000WJ9@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,
23 Apr 1999 17:13:04 EST

Received: from storm.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTP id <01JADP8E9PF4000W8U@PMDF.EOP.GOV> for starler_n@al.eop.gov; Fri,

23 Apr 1999 17:13:00 -0500 (EST)

Received: from zebra.esosoft.net ([207.153.253.162])
by EOP.GOV (PMDF V5.2-29 #34437) with ESMTP id <01JADP7NPD2Q0014NY@EOP.GOV>
for starler_n@al.eop.gov; Fri, 23 Apr 1999 17:12:26 -0500 (EST)

Received: from turtle.esosoft.net (turtle.esosoft.net [192.41.24.194])
by zebra.esosoft.net (8.9.1/8.9.1) with ESMTP id RAA21149; Fri,
23 Apr 1999 17:12:03 -0400 (EDT)

Received: from localhost (turtle@localhost) by turtle.esosoft.net (8.8.5)
id PAA28375; Fri, 23 Apr 1999 15:11:39 -0600 (MDT)

Received: by turtle.esosoft.net (bulk_mailer v1.9); Fri,
23 Apr 1999 15:08:24 -0600

Received: (turtle@localhost) by turtle.esosoft.net (8.8.5) id PAA27374; Fri,
23 Apr 1999 15:08:21 -0600 (MDT)

Received: from ex1.nwppc.org (ex1.nwppc.org [206.234.165.4])
by turtle.esosoft.net (8.8.5) id PAA27355; Fri,
23 Apr 1999 15:08:17 -0600 (MDT)

Received: by ex1.nwppc.org with Internet Mail Service (5.0.1458.49)

id <JMBGA7GG>; Fri, 23 Apr 1999 14:08:26 -0700

X-Mailer: Internet Mail Service (5.0.1458.49)

X-Priority: 3

===== END ATTACHMENT 1 =====