



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

December 23, 2003

Brigadier General William T. Grisoli
Commander and Division Engineer
US Army Corps of Engineers, Northwestern Division
PO Box 2870
Portland, OR 97208-2870

Steve Wright
Administrator & Chief Executive Officer
Bonneville Power Administration
PO Box 3621
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J. William McDonald
Regional Director
US Bureau of Reclamation
PN Regional Office
1150 N Curtis Road
Boise, ID 83706-1234

RE: Transmittal of NOAA Fisheries' 2003 Implementation Progress Evaluation Report.

Dear General Grisoli and Messrs. Wright and McDonald:

The National Marine Fisheries Service's (NOAA Fisheries) December 21, 2000, biological opinion addressing operation of the Federal Columbia River Power System (FCRPS) and 19 U.S. Bureau of Reclamation projects (hereinafter, the Biological Opinion) includes a cumulative progress evaluation in 2003. The 2003 evaluation is primarily concerned with programmatic performance standards related to implementation of the reasonable and prudent alternative (RPA) measures. The Biological Opinion specified seven questions that NOAA Fisheries considers in reaching its determination in Section 9.5.2.2.

In the enclosed 2003 Implementation Progress Evaluation Report, NOAA Fisheries determines that implementation is not in the "green zone" because, although good progress is being made on many of the activities referenced in the seven questions, there is still room for improvement. The primary reason for our determination that expectations are not being met is the delay of: 1) key actions that represent preparations for implementation of additional survival improvement measures; and 2) key planning, research, and monitoring actions that are important for implementation and evaluation of progress by 2005 and 2008. We note that the delays cannot be remedied, but that current deadlines and milestones, as noted in the Action Agencies'

Implementation Plans, represent a more realistic schedule and should be adhered to. Thus, in the terms of the Biological Opinion, NOAA concludes that the current implementation is in the "yellow zone."

While not consistent with the initial schedules developed in the Biological Opinion it is our current opinion that, on balance, this programmatic effort, in concert with the additional recommended actions listed in the enclosed report is adequate for the FCRPS Action Agencies to continue to avoid jeopardizing the listed stocks or adversely modifying designated critical habitat. We conclude that, at this point, new authorities or a change in the fundamental direction of Biological Opinion implementation is not warranted. We include several recommendations to further ensure that the Action Agencies' implementation of the Biological Opinion is capable of timely resolution within current authority.

Also, as a practical matter, while we recognize the Action Agencies are working to fully implement the existing program for the FCRPS based upon the 2000 Biological Opinion's RPA, consistent with the Court's decision in *NWF v. NMFS* to leave the Biological Opinion in place during the one-year remand, that program and the analysis supporting it will necessarily change to address the Court's concerns and to address current conditions. After a new biological opinion is issued in June 2004, the question of whether or not the Action agencies are making adequate progress implementing the 2000 RPA as measured by that opinion will lose its relevance. The reference point will then be the new biological opinion and the FCRPS operation it supports. We expect, however, that the current implementation efforts and our recommendations continue in the right direction and will, in large part, form the basis for any revised program.

If you have any questions, please contact Brian Brown, Assistant Regional Administrator for the Hydropower Division, at 503-230-5417.

Sincerely,



D. Robert Lohn
Regional Administrator

Enclosure