

# **COLUMBIA RIVER REGIONAL EXECUTIVES**

## **Meeting Summary**

### **May 11, 2001 Meeting**

The following are the facilitator's summary notes from the May 11th Regional Executives meeting. These notes are meant to capture the general discussion of those attending the meeting. They are not meant to be a verbatim transcript or a "record" of events. Instead, they are intended to both remind people of the discussion points and keep the process moving by highlighting action items.

#### Attendees:

Colonel Rick Mogren, COE

Steve Wright, BPA

Jim Litchfield, MT

Joe Peone, Confederated Tribes of the  
Colville Reservation

Eric Bloch, OR

Charles Jody Calrea, Confederated Tribes of  
the Warm Springs Reservation

Paula Burgess, BLM

Dan Opalski, EPA

Fred Olney, USFWS

Brian Brown, NMFS

Keith Hatch, BIA

Ken Pedde, BOR

Mary Lou Soscia, EPA

Don Sampson, CRITFC

Charlie Grist, OR

Greg Delwiche, BPA

#### Present by Telephone:

Donna Darm, NMFS

Carl Merkle, Confederated Tribes of the Umatilla Indian Reservation

Mary Moore, Spokane Tribe

Bob Nichols, WA

Bill Rudolph, Clearing Up

#### Technical Staff and Observers:

Cindy Henriksen, COE

Witt Anderson, COE

Laura Atterbury, BPA

Barry Espesen, Columbia Basin Bulletin

Russ George, WMCI

Gary Sims, NMFS

Suzanne Cooper, BPA

Therese Lamb, BPA

Robert Lackey, EPA

Brenda Brown, DS Consulting

Jim Ruff, NMFS

Bob Heinith, CRITFC

Lorri Bodi, BPA

Richard Forester, Consultant

Al Wright, Grant Co PUD

Lee Garnett, KPAM Radio

Lynda Walker, COE

Scott Corwin, PNGC Power

Steve Kerns, BPA

Jim Curtis, BPA

Kevin Allen, KEX Radio

Eric Glover, BOR

Robin Harkless, DS Consulting

Rob Lothrop, CRITFC

Alex Smith, BPA

Karen Hunt, BPA

## **MAY SPILL DECISION:**

Steve Wright (BPA) began the meeting by recognizing that, given the drought and West Coast energy crisis, there is not enough water to spill for fish and meet the Federal system reliability criteria. He acknowledged that the Northwest Region is deeply divided about spill and that the proposal being discussed at today's meeting was an effort to "bridge the gap" in a divided region and provide *some* spill in May for endangered migrating juvenile fish. Wright expressed his appreciation to the staff of the federal agencies and Grant PUD who worked hard to provide an option on this difficult issue.

Spill Proposal: Greg Delwiche (BPA) discussed the current proposal outlined in "Principles for FCRPS/Grant County PUD Spill Swap". He pointed out that currently the region is at 56.5 MAF, which is far from the original target of 60 MAF that was identified as the amount needed to support spring spill for fish. However, BPA has been working with Grant PUD to develop a "spill swap" that would allow water to be spilled for migrating fish that are now present in the lower river system. The spill proposal involves: spilling 300 mega-watt months (MW-mos) at the Dalles and Bonneville dams during the month of May; in exchange for this, reduce summer spill at Grant County PUD's Wanapum and Priest Rapids dams to maintain power system reliability.

Many meeting participants noted that this proposal is a shift from the prior proposed 400 mega-watt month option. When asked why this had changed, Greg noted that given the current flows, BPA didn't believe they would be able to meet demand/load at the 400 level. They believe 300 MW-mos is a more realistic scenario. BPA will be using the reservoir levels at Grand Coulee as an indicator for their requested actions.

A question was asked about the other alternatives that were explored before making this proposal. Could BPA contract to purchase the amount of power needed in the summer, thereby allowing the summer spill at the mid-Columbia dams to occur unabatedly? BPA responded that the financial reserves they have must be maintained for future system reliability in the event of unforeseen circumstances (such as a unit outage or other emergency).

When asked about the likelihood of the swap actually being implemented, BPA responded that there is a greater than 50% likelihood. It all depends on Mother Nature and whether or not water levels increase around the region.

Joe Peone reminded the group that the effect of this proposal on summer outmigrants should be weighed, as well as the effects on other non-listed species. He noted that tribes and the region would feel the impacts of this year's actions four years from now. How can the region begin to plan for that migration?

Donna Darm noted that NMFS is supportive of the contingent spill swap in the face of difficult drought conditions. She said that NMFS recognizes that it is not as much as the fish need, but given the poor water year, she is grateful for the efforts to find any available water to aid the spring migrants.

Biological Effects of Spill: Jim Ruff (NMFS) presented a summary of the expected effects of the spill proposal on the survival rates of juvenile spring migrants. NMFS's analysis focused on the difference in survival between spilling 600 MW-mos, 400 MW-mos and no spill. The analysis concluded that providing spill improved survival of Upper Columbia River Spring Chinook and Upper and Middle Columbia River steelhead as well as benefits to non-listed spring Chinook, steelhead and other species. He reported that the expected survival benefit would show an increase by 4% if the swap were to occur and result in a decrease of 1% for summer migrants.

### Straw Poll on Proposed Swap

Steve Wright asked that a straw poll be taken to get a sense of where the various governments were on the proposed swap. Time was given for those present to meet and confer with their colleagues prior to making their position known to the larger group. The questions put to the group was:

If Bonneville filed with FERC to allow the spill swap to occur, either with immediate spill or spill delayed until FERC approval,

Would you:

- 1) Support the action?
- 2) Not support the action, but not actively oppose it?
- 3) Not support and intervene by opposing the FERC application?
- 4) Be unable to make a decision today

Steve Wright commented that if someone replied that they didn't know, BPA would count that as a "no support, possible intervenor" for purposes of making its own decision.

Al Wright (Grant County PUD) shared the three conditions required by Grant County before they would agree to participate in the swap:

- 1) At no time would there be zero spill at Grant County projects;
- 2) They would like to see agreement (not consensus) from a majority of the region; and
- 3) FERC approval of the action.

Al also noted that the 300 MW-Mo is contingent on available water and that even that seemed high by their estimates. He noted that there is an element of risk that the region would be taking with this swap.

Don Sampson (CRITFC) explained that it is hard for the tribes to accept the moving target regarding the different federal proposals. Last time it was 400 MW-Mos, now they are seeing 300. He stated that the federal government needs to honor treaty rights and follow laws such as the NWPA, ESA and CWA. CRITFC believes the proposals will destroy this year's fish and set back recovery efforts a decade. He said the tribes were frustrated that energy reliability and agency financial issues were in front of fish recovery efforts. Especially since the tribes voluntarily went out of business for 24 years to support fish recovery. He asked whether the federal government had even considered treaty rights in their decision-making process.

Jody Calrea also pointed out that his tribes need timely and accurate information to have meaningful consultation. He said that his tribe did not consider this meeting to be that. He also expressed a feeling that the tribal concerns were being minimized in the face of finances and the

California energy crisis. He noted that tribes have been making conservation efforts for years that have not been acknowledged.

Col. Mogren responded to these concerns by reminding the tribal representatives that the federal government took a number of actions that specifically addressed tribal concerns. Examples included the Spring Creek hatchery spill, the Vernita Bar operations and even this proposed action. He assured the tribes that the federal executives regularly discuss tribal treaty and non-treaty concerns as part of their deliberations.

#### Result of Straw Poll:

- Colville Tribes: Do not support the proposed action, but will not intervene at FERC. Joe Peone stressed the importance of relationships and the difficult year facing the region. He said this is not an easy choice for tribes, no matter how you look at it.
- Montana: Do not support the proposed action. Montana is opposed to any spill at this time because of the high risk of affecting winter power reliability. Instead, the region should store every drop of water possible. Litchfield noted that he was unsure about intervention at FERC.
- Confederated Tribes of Warm Springs: Unable to make a decision today, but are looking for a more reasonable approach that will allow the tribes to both preserve their investments in recovery and their relationships with their neighbors.
- Umatilla Tribes: Unable to make a decision today. Carl Merkle indicated that he only just received the proposal and hadn't had time to discuss intervention at FERC with his tribal leaders.
- Oregon: Support the action as minimally acceptable and would like to see the full 400MW-mo achieved if at all possible. Eric Bloch noted that the ISAB has told the region many times that spill does indeed have a biological benefit to fish. He said that the proposed action was not a perfect solution and urged the region to look for creative ways to get the additional 100 MW-mo necessary to make a bigger impact on fish.
- NWPPC: Eric Bloch also reported that the Council had taken action on this issue. By a unanimous vote, if the federal government decides to spill at the Dalles and Bonneville and Grant County PD is able to concur with the swap, the Council would recommend that FERC make changes to allow the swap to occur.

There was no response on the phone from Washington, Idaho, Spokane and Yakama Tribes.

#### Federal Executives Decision on Spill:

Based on the initial straw proposal, it was clear that the region is split regarding the value of spill. After conferring with the other federal agencies, BPA announced that it would proceed with filing at FERC. However, since there was not substantial support for the action and a lack of clarity about the number of intervenors at FERC, the federal government will not initiate spill at this time.

**ACTION:** BPA will proceed with a filing a FERC. There will be at least a 14-day process before the possibility of a decision. BPA will ask for an expedited review, if possible.

There will be no spill until either:

- 1) There is clearer support for the proposed spill swap indicated by the region. This support must be in writing for BPA to consider it for this decision; or
- 2) FERC has rendered its decision to support the swap.

**ACTION:** BPA and others present will actively pursue potential intervenors at FERC to let them know of the pending application at FERC and give them an opportunity to respond.

**DISCUSSION:**

Bob Heinith (CRITFC) noted that more flexibility with spill would gain the support of the CRITFC tribes. He inquired whether the distribution of the spill could be changed to include nighttime spill at McNary or John Day Dams. NMFS responded that they are concerned about trying to achieve minimum spill levels at Bonneville and The Dalles Dams first because of the high mortality rates at those projects. Colonel Mogren (COE) responded that if there was support for spilling, then a discussion of spill distribution could be reinitiated. He pointed out that while there is a ceiling on the amount of spill there are no restrictions on its distribution.

**OTHER ISSUES:**

**RE: MONEY TO IMPROVE FISH SURVIVAL**

A question was raised about the emergency measures for fish survival. A handout was made available to the group.

**ACTION:** BPA and the COE will review the list from the subcommittee and report back at the next meeting.

**REVISED DRAFT OPERATING PLAN:**

Participants were urged to submit comments as soon as possible. The Operating Plan will be finalized on May 17th. Comments can be e-mailed to Suzanne Cooper at sbcooper@bpa.gov. You may also call Suzanne at 503-230-5077 or Therese Lamb at 503-230-4452.

**Next Proposed Regional Executives' Meeting: Friday, May 25th, 2001, 9-2:30 p.m.**

Respectfully submitted,

Donna Silverberg,  
DS Consulting  
Meeting facilitator

\*\*\*Changes or corrections to these notes may be requested at the next meeting\*\*\*

Thank you for your continued participation in these regional discussions