

Columbia-Snake River Irrigators Association

Policy Memorandum

DATE: October 10, 2017

TO: Mr. Henry Lorenzen, Chairman, Oregon; Ms. Jennifer Anders, Montana;
Mr. Tim Baker, Montana; Mr. Bill Booth, Idaho;
Mr. Bill Bradbury, Oregon; Dr. Tom Karier, Washington
Mr. Guy Norman, Washington; Mr. Jim Yost, Idaho
Northwest Power and Conservation Council
Main Office, Portland
851 S.W. 6th Ave., Suite 1100
Portland, Oregon 97204-1348

FROM: Rob Mercer, President, CSRIA
Darryll Olsen, Ph.D., Board Representative

SUBJECT: *Killing Idaho Fish—Why?*

The Council recognizes the need to transport migrating juvenile salmon and steelhead under certain river conditions. The Council accepts this strategy as a means to achieve its biological objectives, where there are demonstrated benefits for fish.

--NWPPCC Fish & Wildlife Program, 2014

The evidence is now in.

The Columbia River fish managers killed ESA-listed (Idaho) fish during the extreme low-flow and high-temperature conditions on the lower Snake River in spring 2015. They did not start the juvenile fish transportation program in a timely fashion, as they were supposed to do under the 2014 Supplemental Biological Opinion (“BiOp”) and the Council’s Fish & Wildlife Program.

Instead, they allowed young chinook and steelhead to remain in the river during some of the most adverse conditions ever seen for that time of year. Only 13% of the juvenile fish were transported, the lowest number since records were kept in 1993. Unfortunately, we can now quantify the impact of this error. Recently-released Transport-to Inriver ratios (“TIRs”), compiled

3030 W. Clearwater, Ste. 205-A, Kennewick, WA 99336
509-783-1623, DOlsenEcon@AOL.com

by NOAA Fisheries (2017 adult wild chinook returns), show that fish transported by barge *fares four times better* than fish that remained in the river.¹ When you “do the math,” that means 65% of the fish were needlessly allowed to perish.

Why did fish managers not react proactively to the lethal river conditions in spring 2015? Why did the fish managers not respond to requests from NOAA Fisheries’ scientists for an early start date for the juvenile transportation program?

In June, after reviewing extensive documents in the public domain, we asked the Inspectors General of the Department of Commerce (NOAA Fisheries) and the U.S. Army Corps of Engineers to investigate the decisions in 2015 (see enclosure). Our request is under review.

But the Council should raise its own questions:

1. Were the decisions made in spring 2015 consistent with the Council’s Columbia River Basin Fish and Wildlife Program (adopted in 2014)?

The answer is “no.” The program states:

The Council recognizes the need to transport migrating juvenile salmon and steelhead under certain river conditions. The Council accepts this strategy as a means to achieve its biological objectives, where there are demonstrated benefits for fish. Implement juvenile fish transportation following adaptive management principles that consider and respond to new evidence regarding the relative life-cycle survival benefits when compared to in-river migration...[Italics added for emphasis.]. Page 66.

The “new evidence” is now before you. The TIRs do not lie. They show the benefit of juvenile fish transportation in low-flow, high temperature conditions, just as has occurred in previous, poor water years like 2001.

2. Were the decisions made in spring 2015 consistent with the Supplemental BiOp?

The answer is “no.” The BiOp, which was submitted in January 2014, to the federal court, adopted certain dates for the start of the juvenile fish transportation program on the Lower Snake River. But the BiOp stated that the dates were flexible. It recognized that alternative start dates

¹ The TIRs are computed by comparing annual smolt-to-adult returns for barged fish with in-stream returns. The TIRs are expressed as a ratio. The returning barged fish are the numerator. Thus, a TIR of higher than 1 shows that barged fish survived at a higher rate than fish that migrated downstream in river. The TIRs for 2015 display a remarkable 3.96 ratio (four-to-one benefit of barging) for spring Chinook (see attachment). We do not have the data yet for spring steelhead but we anticipate the TIRs will even be higher.

might be warranted under certain conditions. “A challenge to managing the transport program is to select a period when it is clearly beneficial to both species [spring Chinook and steelhead].”² The BiOp’s flexibility reflected long-standing federal court policy—adopted in 2005 by Judge Redden—to “spread the risk” between spill and transportation. Why was this adaptive management approach, which the Council endorsed, not properly implemented?

3. Why did the Fish Passage Center (FPC) force the federal agencies to delay the start of the transportation program?

Records show that the ink was barely dry on the 2014 BiOp, when the FPC began to argue against juvenile fish transportation and urged state fishery managers to “redefine” the agreed upon transportation dates. In 2015, despite calls by NOAA Fisheries scientists for immediate fish transport, the fish were left in-river. We are unaware that the FPC has any legal authority to supplement or change the terms of the BiOp.³ Nor are we comforted to read about the FPC’s increasing focus on dam breaching (or reservoir drawdowns).

As the Council members are aware, the FPC is a contractor of the Bonneville Power Administration and is supposed to provide neutral technical advice to federal agencies and state river managers. But they and the state of Oregon have become blind advocates for project spill, despite actual river conditions and empirical technical data on fish survival.

In previous response to concerns about the FPC’s impartiality, the Council established an FPC Oversight Board to conduct an annual review of FPC activities “and develop a goal-oriented implementation plan to assure regional accountability and compatibility with the regional data management system, as well as program consistency.” Yet the Board appears to be moribund, leaving the FPC to operate in a vacuum, without critical oversight. As best we can tell, the Board held its last meeting in January 2013, more than four years ago. Why?

4. So, who is in-charge of making sure the Fish and Wildlife Program is fully implemented? The FPC, the state of Oregon, or the Council itself?

Regrettably, this is not a rhetorical question. The FPC has been allowed a free hand to

² 2014 Supplemental BiOp, page 369.

³ See memorandum dated March 2, 2017 from the Columbia Research Corp. to CSRIA, “The spread the risk” policy for transporting juvenile fish and the extreme conditions of spring 2015,” contained in the **attachment** (CSRIA letter to the Inspectors General).

influence Program implementation and to undermine one of its key measures: the proper engagement of the juvenile fish transportation program. The state of Oregon's prominent role as Plaintiff in the Columbia River BiOp litigation, where it advocates for positions at odds with the Council's Program, speaks for itself.

Is the Council still a viable Columbia River fish manager? Has the Council relinquished its statutory duties under the Northwest Power Act, if it allows its Program to be selectively degraded by those willing to sacrifice fish, and science, to achieve dam removal objectives?

It now may be that the well-being of the fish and the Federal Columbia River Power System depends on intervention beyond the Council and the never-ending Columbia River BiOp litigation. Perhaps the grace of God (Squad) is the real answer.

Attachment: Transport Percentages and 2015 TIRs (NOAA Fisheries and CSS 2017).

Enclosure: CSRIA letter to the Inspectors General with Attachments (June 2017).

cc: Governor Jay Inslee, Washington
Governor Kate Brown, Oregon
Governor C.L. "Butch" Otter, Idaho
Governor Steve Bullock, Montana
BPA Administrator Elliot Mainzer and Deputy Administrator Dan James
Maj. Gen. Scott Spellmon, NW Div. USACE
Sect. of the Interior Ryan Zinke and Asst. Sect. Andrea Travnicek
NOAA Fisheries Regional Adm, Barry Thom
Mr. Kevin Werner, Director, NWSC, NOAA Fisheries
Mr. Scott Corwin, Exe. Dir., Public Power Council