



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

September 11, 2007

In reply refer to: DK-7

Ms. Stephanie M. Parent  
PEAC Managing Attorney  
The Environmental Legal Clinic  
of Lewis & Clark Law School  
10015 SW Terwilliger Boulevard  
Portland, OR 97219

RE: BPA FOIA 07-042

(Re: NOAA Fisheries Request #2007-00287)

Dear Ms. Parent:

This is in response to the enclosed National Marine Fisheries Service (NOAA Fisheries) response to the above referenced Freedom of Information Act (FOIA) request dated June 1, 2007. In that request you asked for records pertaining to the Willamette River Basin Floor Control Project.

NOAA Fisheries identified two responsive documents to your request that are the exclusive or a primary concern of the Bonneville Power Administration (BPA) and on August 29, 2007, forwarded them to our Agency for determination. After reviewing those two responsive documents by BPA's Authorizing Official, Robert Austin, Deputy Manager, Fish and Wildlife, the BPA is releasing them to you in their entirety.

If you are dissatisfied with our determination, you may make an appeal within thirty (30) days of receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you with this matter. If you have any questions about this response, please contact my FOIA Specialist, Laura M. Atterbury, at 503-230-7305.

Sincerely,

/s/ *Christina J. Brannon*  
Christina J. Brannon  
Freedom of Information Act Officer

Enclosures: Response documents

**Rea, Matt T NWP**

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**From:** Fodrea, Kimberly - KEWR-4 [kafodrea@bpa.gov]  
**Sent:** Monday, October 21, 2002 3:53 PM  
**To:** Matt Rea (E-mail)  
**Cc:** Wellschlager, John D - PGF-6; Gleason, John M - LC-7; Maslen, Bill - KEWR-4; Daley, Dan - KEWR-4  
**Subject:** FW: Willamette issues

Matt,

After digging through my files, these are the issues that I would like to talk about on Wednesday. I think many of these issues have been addressed, but it's hard to say for sure. I would like to run through these issues briefly on Wednesday to confirm with the Services whether or not they think each issue has been addressed, and how it has been addressed. I've tagged several issues with an " \* " to note the ones that I think are most important for the managers to discuss soon, but the list may change during/following our next meeting.

Please let me know if you have any comments/questions/concerns. Thanks,  
-Kim

> Formal Comments Mailed to the Services April 20, 2001  
> \* Baseline conditions should be based upon the conditions at the time  
> of listing as opposed to looking back before the project was constructed.\*  
> \* Scientific underpinning should be provided for all RPA actions.  
> \* Biological performance measures should be established to set the  
> goal of the RPA actions.  
> \* Schedule of actions should be reasonable to achieve.  
> \* Prioritization of actions will be necessary to determine funding  
> priorities within the Willamette RPA.  
> \* Prioritization of actions will be necessary to determine funding  
> priorities within the Columbia River Basin.  
> \* Regional coordination will be necessary but cannot replace the  
> Action Agencies' decision-making authority.  
> \* Issue resolution process(es) need to be established to resolve  
> implementation issues.  
> \* Consistency with VSP is necessary.  
> \* Consistency with All-H Paper is necessary.\*  
> \* Content of the ITS should be limited to minor actions.  
> \* Schedule for completing the consultation should not outweigh the  
> importance of developing an agreeable opinion/RPA.\*  
> \* Flow targets need to be studied for feasibility and justified  
> biologically.  
> \* Mainstem temperature objective is beyond the distance that can be  
> influenced by the dams.  
> \* Nutrient enhancement with carcass placement requires ODFW  
> cooperation.  
> \* Nutrient enhancement should not be limited to carcass placement  
> without considering alternative nutrient sources.  
> \* Passage needs to be justified by demonstrating that a viable  
> population cannot be sustained below the dams without passage.\*  
> \* Passage requirement seems inappropriate since hatcheries have  
> mitigated for the blocked habitat.  
> \* Passage requirement is inconsistent with other consultations at  
> passage-blocking projects... Chief Joseph, Hells Canyon, etc.\*  
> \* Water temperature control objectives in the Willamette Basin are  
> contradictory where water typically is too cold immediately below the dams  
> and too warm in the mainstem.  
> \* Restoring the ecosystem goes beyond the action agencies'  
> responsibility to mitigate for the impacts of continuing operations.

> \* Actions such as habitat improvements and culvert improvements on  
> Forest Service roads upstream of the projects are the responsibility of  
> the land management agency.

> \* Population monitoring by the action agencies should only be to  
> define objectives and monitor progress toward meeting objectives.

>

Issues That Came Up During the Sep 27, 2001, ODFW Briefing

> \* Is it reasonable and prudent to require that bull trout are restored  
> to their historical distribution?

\* Is ecosystem restoration a viable RPA?

\* Are extensive actions in the RPA going to be supported throughout  
the Columbia River Basin?

> Issues That Came Up During the July 15, 2002, Consultation Briefing

> \* With so much of the actions in the RPA to be determined later, how  
> can we agree that the RPA is reasonable and prudent?

> \* Is passage biologically justified?

> \* Is juvenile passage feasible?\*

\* Does the Corps have authority to provide passage?

> \* Are actions that require a non-federal cost-share partner viable for  
> inclusion in the RPA? Is this cost share be expected from BPA's Fish &  
> Wildlife Program, which is already stretched thin?

> \* How will we prioritize funding of Willamette RPA actions when  
> weighed against the other BiOps RPA actions?

> \* Would we be better off with an action-based RPA rather than one  
> based on meeting a biological performance-objective?

> \* What are the implications of the new hatchery policy in the  
> Willamette?\*

> \* What are the implications of the NMFS status review on Willamette  
> species?

> \* Why are bull trout given a jeopardy BiOp here when the Forest  
> Service BiOp concluded no jeopardy?\*

> \* Where are the upper limits of the action area?\* Is this consistent  
> with other consultations?

> \* Are the goals of restoring the ecosystem beyond the Action Agencies'  
> responsibility?

> \* What level of research, monitoring, and evaluation is the  
> responsibility of the Services and not the Action Agencies?

> \* What are the reservoir elevation and generation impacts of the  
> proposed mainstem flow targets?

> \* What are the proposed tributary flow targets and what are their  
> impacts?

>

**Subject:** RE: Preliminary Draft Willamette ESA Reference Operations  
**From:** "Daley,Dan - KEWR" <dmdaley@bpa.gov>  
**Date:** Tue, 15 Feb 2005 11:24:39 -0800  
**To:** "Rea, Matt T NWP" <Matt.T.Rea@nwp01.usace.army.mil>, "Mindy Simmons" <Mindy.Simmons@noaa.gov>, "Willis, Chuck NWP" <Chuck.Willis@nwp01.usace.army.mil>, "Willis, Robert E NWP" <Robert.E.Willis@nwp01.usace.army.mil>, "Taylor, Greg NWP" <Greg.Taylor@nwp01.usace.army.mil>, "Bailey, Randy NWP" <Randy.Bailey@nwp01.usace.army.mil>, "Gleason,John M - LC" <jmgleason@bpa.gov>, "Chris Allen (E-mail)" <chris\_allen@fws.gov>, "Douglas Baus (E-mail)" <douglas\_baus@fws.gov>, "Karen Blakeney (E-mail)" <kblakney@pn.usbr.gov>, "Michael Cobell (E-mail)" <mcobell@pn.usbr.gov>, "Rich Pastor (E-mail)" <rpastor@pn.usbr.gov>

Thanks Matt, for one who missed part of the meeting, and heard just a fraction of the part not missed, these actually help a lot. I would say don't change a thing, but then what would you do with the rest of your week?

Would it help at all, if those of us with recent, recallable experience in the FCRPS tried to outline those factors common to both Consultations and note how they are being treated in each? In truth, I think most of the factors we would outline are already on your worksheet, but going thru the exercise may help;

- 1) pick out those factors we haven't yet identified;
- 2) by identifying the way they are treated in each Consultation, we might more easily see any gaps in either approach, and focus our thinking on those gaps.

I'm also thinking that, between the two approaches, the FCRPS, by way of its mainstem passage focus, may constitute the more direct cause-effect-remedy sequence, while the predominant habitat actions in the Willamette may involve more multiple actions (remedies), and more overlap between the actions. For reasons mentioned above, I could easily be missing a step you've already covered; but forcing ourselves to separate out adverse effects, as well as the associated, perceived remedy seems a basic step that we haven't formally discussed, yet. Although that's not to say that NOAA hadn't employed a similar type of thinking, even if only as a kind of deep background, in the DRAFT.. By comparing the two approaches, as such, we may clarify some logic steps otherwise missed by us action agency types on the receiving end.

So, a third benefit of spending some time working through the pieces to fit them in an outline, of which we all have a common understanding, may be;

- 3) to help us recognize any components of the baseline, or of the proposed action, which we may have already individually identified, but don't recognize in our counterparts thinking, because of nuances in our individual approaches or communications.

My experience is that there can be a surprising number of issues all balled up in #3, and demanding a whole lot of discussion time, simply because we, in a way, don't know what each other is talking about, and can't recognize that fact because we're so caught up in the assumption that we share a common language, therefore, we must know.

Or, maybe, not. You all can always ignore me, too, no harm done.

-----Original Message-----

**From:** Rea, Matt T NWP [mailto:[Matt.T.Rea@nwp01.usace.army.mil](mailto:Matt.T.Rea@nwp01.usace.army.mil)]  
**Sent:** Tuesday, February 15, 2005 8:26 AM

**To:** Rea, Matt T NWP; Mindy Simmons; Willis, Chuck NWP; Willis, Robert E NWP; Taylor, Greg NWP; Bailey, Randy NWP; Daley,Dan - KEWR; Gleason,John M - LC; Chris Allen (E-mail); Douglas Baus (E-mail); Karen Blakeney (E-mail); Michael Cobell (E-mail); Rich Pastor (E-mail)  
**Subject:** RE: Preliminary Draft Willamette ESA Reference Operations

-----Original Message-----

**From:** Rea, Matt T NWP  
**Sent:** Tuesday, February 15, 2005 7:53 AM  
**To:** 'Mindy Simmons'; Willis, Chuck NWP; Willis, Robert E NWP; Taylor, Greg NWP; Bailey, Randy NWP; 'Dan Daley (E-mail)'; 'John Gleason (E-mail)'; 'Chris Allen (E-mail)'; 'Douglas Baus (E-mail)'; 'Karen Blakeney (E-mail)'; 'Michael Cobell (E-mail)'; Rich Pastor (E-mail)  
**Subject:** Preliminary Draft Willamette ESA Reference Operations

Folks,

Per our conversation yesterday, attached is a copy of the preliminary draft description of alternative refrence operations. I'll try to spend some time cleaning it up and clarifying meaning later this week along with producuing notes from yestrerday's meeting. In the meantime, I'd suggest being very careful not to distribute these very far as they are very preliminary and need much additional work, including a decision that a reference operation is indeed the route to follow.

Matt

**Willamette Projects ESA Consultation, Preliminary Draft Alternative Reference Operations (2/14/05)**

Pre-Decisional Document

Do not copy or forward no public release under FOIA

Proposed Action	Fish Passage	Flood Control	Conservation Storage	Summer Mainstem Flow Augmentation	Spring "Fish Flow" Objectives	Tributary Flow Targets / Operating Objectives	Tributary Ramp Rates	Periodic prescribed flood events (designed disturbance regime)		Hatchery Operations
								Yes; per authorization	No	
No passage (referenced as part of the bull trout management); Need to clarify as part of proposed action? Bull trout transported past dam through 2005.	Follow the the reservoir rule and refill curve	Refill the reservoirs per the authorized rule curve balanced against d/s flow requirements	Yes; per authorization (traditional navigation and water utility flow targets)	No	Project minimums per authorization	Yes; per authorization	No	Continue current hatchery mitigation program in coordination with ODFW; separate BiOp	?	
Draft BiOp Environmental Baseline	no upstream or d/s passage; ODFW continues transporting adult Chinook	Follow the the reservoir rule and refill curve	Refill the reservoirs per the authorized rule curve balanced against d/s flow requirements	Yes; per authorization (traditional navigation and water utility flow targets)	Project minimums per authorization	Yes; per authorization	No	Continue current hatchery mitigation program in coordination with ODFW; Separate BiOp	?	
Current Actual Operations	no upstream or d/s passage; ODFW continues transporting adult Chinook	Follow the the reservoir rule and refill curve	Refill the reservoirs per the authorized rule curve balanced against d/s flow requirements	Yes; per authorization (traditional navigation and water utility flow targets)	Meet spring (Apr-Jun) mainstem flow targets negotiated with fish agencies	Operate toward "negotiated" minimums generally higher than authorized minimums	no	Continue current hatchery mitigation program in coordination with ODFW	?	
Alternative Reference Operations:										
Flood control only	no upstream or d/s passage; ODFW continues transporting adult Chinook	Keep reservoir at optimum flood control (bottom of flood control pool)	None; inflow equals outflow except during flood events. Stored flood waters released back out as quickly as possible after events.	No storage for meeting mainstem flow targets.	No storage for meeting mainstem flow targets. Stored flood waters released back out as quickly as possible after events.	Minimal tributary management	Optimize	No	????	

Willamette Projects ESA Consultation, Preliminary Draft Alternative Reference Operations (2/14/05)					
Pre-Decisional Document Do not copy or forward; no public release under FOIA					
Flood control with storage for flow augmentation	no upstream or d/s Refill the reservoir only enough to meet mainstem targets following the rule curve	Calculate and store enough water under the rule curve to meet mainstem flow augmentation targets through the season.	No; except that by passing inflow	By meeting mainstem targets would incidentally expect mainstem flows to be pretty close to natural hydrograph	Optimize no ?????
Flood control with storage for tributary management	no upstream or d/s Refill the reservoir following the rule curve	Calculate and store enough water under the rule curve to meet mainstem flow augmentation targets and tributary fish flow management through the season.	Meets objectives	Meets objectives	Optimize yes ?????