

newpl ana lsoig norespe er-revieweds ciencet hats howst hat habitatim provementa loneis n ota s ilverb ulletf or Snake Rivers almona ndc annotm akeupf ort hem assiveh arm caused by the operation of the federal dams. Third, the plan continues tor elyon assistinge ndangeredS nakeRiv ers ock-eye simply by producing more sockeye in a hatchery. As the courts have recognized, there is mounting scientific consensus hats uchl ife-supporth atcheriesc annots uceedw ithout addressing the problems that led to the decline of the fish in the first place. Finally, the plan ignores the best available salmonsc ienceb y assumingt hatc limatetc onditionsin t he Northwest will get no worse than those experienced in the late 20th century. While NOAA acknowledges that independenttpe err eviewh asn otedt hatt hiss cenariois t ooopt imistic,t hes upplementalpl anpr oposeson lym orem onitoring, not more actions, to address these impacts.

5. **TheP lanO ffersL essP rotectionfo rM oreM oney:**Even with all these flaws the supplemental plan and the original 2008 plant ogetherw ilc osta pproximately\$ 1bil lionm oret han thec urrents almonm anagementr egime,f ora g randt otalof almost \$9 billion over the next decade. We have already spent about \$8 billion on salmon restoration to date, making ColumbiaB asins almonr ecoveryt hem oste xpensivee ndangered species rescue effort in the United States — even before these newe xpenditures are calculated. Under the Obama Administration’s salmon plan, federal taxpayers and Northwest electricitry atepayersw ouldbe s pending **more**on a pl ant hata ctually does **less**t hanpr eviouspl ansdiddf ort hes almonit is m eantt o protect.

20090 BAMA ADMINISTRATIONCO LUMBIA-SNAKERI VERS ALMONPLAN:  
THEALMONCOMMUNITY ANALYSIS

SUMMARY

OnSeptember15,2009,t hefederalg overnmentr eleasedit sdecisionon w hethert os upportt hepr eviouss2008 federals almonpl anor w hethert odevelopa r evisedpl ant hatis legally and scientifically adequate. This federal salmon plan, also known as a Biological Opinion (BiOp), attempts to address the significant harm the operation of the federal dams on the Columbia and Snake Rivers cause to endangered species. A list of salmon and steelhead. Unfortunately for the Pacific Northwest economy, for a very important natural resource, for American taxpayers and for the communities that depend on salmon for their livelihood, the Obama Administration decided to dopt the Bush plan with just a few minor tweaks.

The plan’s actions, as adopted by the current administration are almost indistinguishable from those outlined in a 2004 plan, which was rejected by the courts and those who opposed it in the 2008 plan and which the federal district court preliminarily found to be inadequate as well. The Obama Administration’s main additions to the old plan include more estuary habitat work, scientifically inadequate triggers that will detect only catastrophic salmon losses, and vague contingency actions and studies if those triggers are tripped. The supplemental plan — like the previous Administration’s plan rolls back many important river salmon protections put in place by a federal court over the last several years. Those court-ordered protections are required to produce a plan to avoid a level of harm that would jeopardize the future of these species; court has rejected three of the last four such plans.

BACKGROUND

Pacific salmon are an important economic, cultural and ecological resource for the entire nation. These important fish travel the coastal waters from California to Alaska and inland to Idaho and Nevada, but today their populations are in serious trouble. Twenty-eight Pacific salmon and steelhead runs are currently protected under the Endangered Species Act (ESA). Almost half of these imperiled fish runs (i.e., 13) are found in the Columbia-Snake Basin and are harmed by the federal dams. As a result, federal agencies are required to produce a plan to avoid a level of harm that would jeopardize the future of these species; court has rejected three of the last four such plans.

In a letter to the parties in this case, Judge Redden, the federal judge presiding over this case since 2001, said that he believed the federal agencies have permitted the perpetration of the harmful practice of treating water as a commodity and voiding the rights of the Endangered Species Act. He also said that he had “serious reservations” about the 2008 salmon plan and believed that the analysis in the 2008 plan to be “arbitrary and capricious.” The Obama administration asked for more information or review of the 2008 plan before the court issued a final ruling. After several requests from the administration for more time, the court set a final deadline of September 15 to respond to his concerns.

SUMMARY OF THE COLUMBIA-SNAKE RIVERS ALMON PLAN PROPOSED

Analytical Framework

The supplemental plan the Obama Administration has proposed relies on the same analytical framework as the 2008 salmon plan. The supplemental plan does not include any new analysis. The plan continues to ask whether dam operations and other actions will ensure that salmon are trending toward recovery.” In other words, under the 2008 analysis, federal dam operations pass muster under the ESA if only one more fish returns to spawn each year. This yardstick sets the lowest bar possible for avoiding further declines in a already critically low salmon population. It is a basic tenet of conservation biology that allowing at-risk population to continue to over-exploit their environment is perilous for their survival. The “trending towards recovery” metric is a new and risky interpretation of the ESA and was created by the previous administration solely for this BiOp.

Triggers and Contingencies

The Obama Administration added two new biological triggers in its supplemental 2008 Bush plan and promised to develop others in the coming years. It also identified several minor contingency actions if the triggers are tripped, but significant contingency actions have not been fully developed. Instead, the supplemental plan articulates a process to study the effects of



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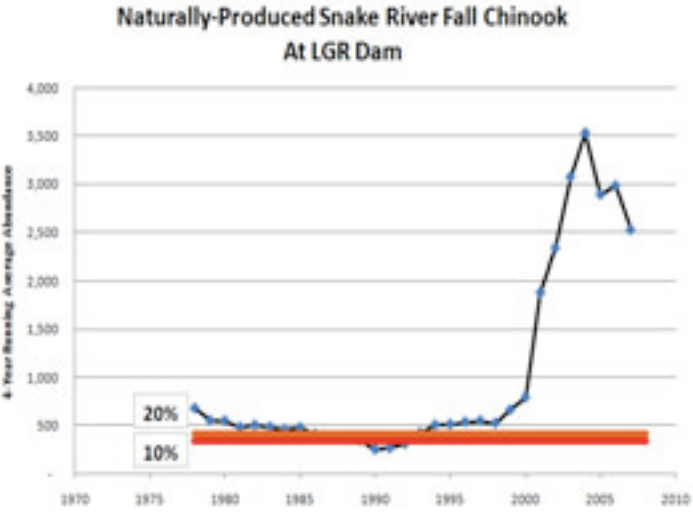




actions( sucha sr emovalof t hel owerS nakeRiv erda mss ee below). While planning for some of these studies may occur in then exts everaly ears,t hes tudiest hemselvesw illn otbe ginun til already-lows almon populationspl ummett ol evelst hat activate the triggers. The two new triggers are both based on the abundanceof a dults almonr eturningfr omt heoc ean,a ndw hilet hey may be revised further in the next few years, are identified as:

- 1. EarlyWarningIndicatorTrigger:** Ane arlyw arning triggeris a ctivatedif t hef our-yeara verageof a dults almon returnsdr opsbe low20%of a veragel evelsfr omr oughlyt he past 30 years (e.g., for Snake River fall chinook, this trigger is tripped when 400 or fewer fish return for a four-year average). Once an early warning indicator trigger has been tripped,it in itiates as eriesof s tudiesn ota ctionst o determine whether additional measures are necessary.
- 2. Significant Decline Trigger:** A significant decline trigger isa ctivatedw hena four-yeara verageof a dult returnsdr ops below 10% of average levels over roughly 30 years (e.g., forSnake Riverfallc hinook,t hist riggeris t ripped when just 350 or fewer fish return for a four-year running average). Once this trigger has been tripped, it activates what NOAA refers to as “Rapid Response Actions.” The agencies have90da yst oide ntifyw hatt heseRa pidR esponseA ctions should be and one year to implement them. All of the exampleso fRa pidR esponseA ctionsl isted in t hen ewpl an areminor adjustmentst oda mope rationsw ellw ithint he rangeof a ctionst hath avea lreadybe enin pl acein r ecent years under court order or otherwise. Concurrent with the RapidR esponseA ctions,t hefe derala genciesw illp eform an additional analysis (known as the “All-H diagnosis”) tode termineif t heRa pidR esponseA ctionsa rel ikelyt o be sufficient to avoid even further population declines or whether initiating studies of “Long-term Contingency Actions” is warranted.

Thec hartb elow illustrates theEarlyWarningIndicatorTriggerand the Significant Decline Triggerfor Snake River fall chinook.



**Specific Actions:** The supplemental plan for the 2008 BiOp includesa ctionst hatw illoc urin t hef oura reask nownt oh arm salmon and steelhead.

- 1. HydropowerOperations:** These actions are essentially unchangedfr omt he2008B iOp,w hichin cludedr ollbacksof in-river spill protections instituted by the court, trucking fish around dams and cuts to specific additional flow requirements from the Upper Columbia River Basin. Both spill and flow have been found to be beneficial for salmon survival, as both measures provide more, faster-moving water for fish. The supplemental planof first hepos sibilityt hate achy ear,s prings pillm easures couldbe r estoredif t hea genciesc hooset odos o,b utt hede - fault is reduced protection.



- 2. HabitatActions:** Under the 2008 plan, the federal agencies proposedt oin creases pendingon h abitatm easuresb ya bout\$ 25 million per year. The supplemental plan does not add any new fundingf or tributaryh abitatp rojectsa nddoe sn otr ovidem ore specificity as to when or where such projects will occur. It does add about \$4 million in additional estuary habitat measures. Considerable scientific evidence indicates that spending more moneyon t ributarya nde stuaryh abitatm easuresa lonec an t mitigate for the harmful impacts of dam operations.
- 3. HarvestPractices:** The supplemental plan does not affect harvest levels. These are addressed in a separate biological opinion, butt hes upplementalpl andoe spr omiset oc onsiderin voking them echanismsun dert hatpl ande pendingon w hetheron eof the adult return triggers is tripped.
- 4. Hatcheries:** The supplemental plan follows generally the same hatcherypr acticest hath avebe enin pl acein t heba sins incet he 2004 BiOp, some of which are harming wild salmon runs. While acknowledging thispot ential harm,t he supplemental plan merely promisesr eformsa ts omet imein t hef ut urew ithouts pecifying which reforms or when they will occur. It also suggests some additional hatchery production if decline triggers are tripped. The newpl anc ontinuest he2008pl an sS nakeRiv ers ockeyh atchery expansionp rogram,r eleaseingupt oon em illionjuv eniles almon eachy ear,a na ctionin dependents cientistsh aves aidc ouldc ause further harm to this highly endangered species.

#### LowerSnakeRiverDamRemoval Studies

The supplemental plan asks the Army Corps of Engineers to exam- inew ithint hen exts ixm onthsw hats tudiesa ndpr ocessesw ouldbe neededbe forea de cisiona boutSnakeRiv erda mr emovalc ouldbe made. If a Significant Decline Trigger is tripped for a Snake River species (except sockeye salmon, which NOAA already considers to be



att hisda ngerouslyl owl evel,b utf orw hich *nos ucht riggere xists*), and the “All-H” diagnosis indicates that dam removal is necessary for the protection and survival of the species, the Corps would then initi- tet heset echnicala nde conomics tudiesa ndw ouldh ave t woy ears to complete its analysis. If the Corps’ studies point to the need to removet hef ourl owerS nakeRiv erda ms,t hea dministrationw ould thenm akea de terminationa boutw hethert om ovef orwardw itha n analysis under the National Environmental Policy Act. This decision can take one year. The NEPA process itself can take an additional 2-3 years. If the NEPA studies point to dam removal, only then will the Corps seek the authority and funding from Congress to do so. Just getting to this point can take 6-8 years after the Significant Decline trigger is activated, i.e., after salmon populations crash to levels at or below those that caused the fish to be listed as threatened or endangered in the first place.

#### ReportingRequirements

In addition to specific actions, the federal agencies must annually report on their progress toward implementing the plan’s actions. NOAA Fisheries will produce “check-in” reports in 2013 and 2016 to determine whether implementationof t hepl anis p roceedinga s planned. The supplemental implementation plan also adds several new studies (e.g., on pre- dation)a ndm orein tensivem onitoringa ndr e- porting. But none of the new studies is directed towardide ntifyingt he actual effectivenessof t he proposed actions in the plan.

#### ClimateChangeAssumptions

The supplemental plan continues the 2008 BiOp’s qualitative assessment of climate change. Instead of incorporating the effects of climatec hangedir ectlyin toitsa nalysis,t hepl an sayst hen ewstudiesa ndt riggeresw illa ddress andpot entiallyc ompensatef ora nyopt imistic assumptions regarding climate change. This runsc ountert ot hea dministration sS acramento RiverB iOp,w hichm oreful lya ddressedt he impacts of climate change on salmon.

## SALMONCOMMUNITY RESPONSE TO THE PLAN BASICS CONCERNS

### 1. ThePlanUses a FaultyAnalytical Framework:

The federal courts rejected the 2004 BiOpbe causeit r eliedon a fir ameworkt hatf ound thatt hefe deralda msw ereim mutablep arts of t he environment. While the Obama Administration’s planc laimst ous ea dif ferenta nalysis,t her esultis the same. The various “metrics” included in the originalpl anw hichr emainun changedin t he supplementalpl ana llowt hea gencyt oc hoose whichever metricg ivesit t hebe str esultf orjus tify- ing the ineffective status quo. Instead of letting the sciencede terminet heout come,t hes upplemental planl eavesin pl acea na nalysisis edt ojus tify “treading water.”

### 2. ThePlanRolls Back CurrentSalmon Protections:

The supplemental plan embraces the eliminationor pot entialc ertainmentof s everalk eys almon protection measures (e.g., additional spill at the dams and additional flow in the river). Doing less for these increasingly imperiled fish defies common sense and sound science and violates both the spirit and letter of the ESA.

### 3. ThePlan’sTriggersAreExtremelyWeak&Its ContingenciesAreVague:

The plan’s triggers are only trippedw hens almona nds teelheadpopul ationsc rasht o levels that are so low as to be critical. Instead of crafting andr elyingon t riggerst hatm easurew hethert hes uccesses predictedb yt he200 8B ushpl ana rem aterializing,t hese triggers alert NOAA when population levels are so low that it may be too late to change course. The Significant Decline Trigger’s 90% abundance line is akin to calling the fire department AFTER 90% of your house has already burned down, instead of at the first sign of smoke. It’s a risky public policy choice and an unprecedented scientific decision.

### 4. ThePlanIgnores the Best AvailableScience:

At least four significant piecesof s almons ciencea reig noredin this plan. First, NOAA Fisheries makes theon eopty iont hatfe deral,t ribal,a nd state fisheries biologists have determined ist hes urestw ayt opr otecta ndr estore SnakeRiv ers almona nds teelhead removingt hef ourl owerS nakeRiv er damsa lmostim possiblet oun der- take. It relies on a trigger that will be trippedon lyin t hedir ectc ircumstances for salmon and then adds 6-8 years of studiesbe foret hefe derala genciesc ould even ask Congress for what’s needed to take action. Mentioning dam removal, butt henm akingit n earlyim possiblet o implement, is not a solution. Second, the

