

# State and Tribal Fishery Agencies Joint Technical Staff Letter

*Columbia River Inter-Tribal Fish Commission  
Nez Perce Tribe  
Oregon Department of Fish and Wildlife*

September 29, 2010

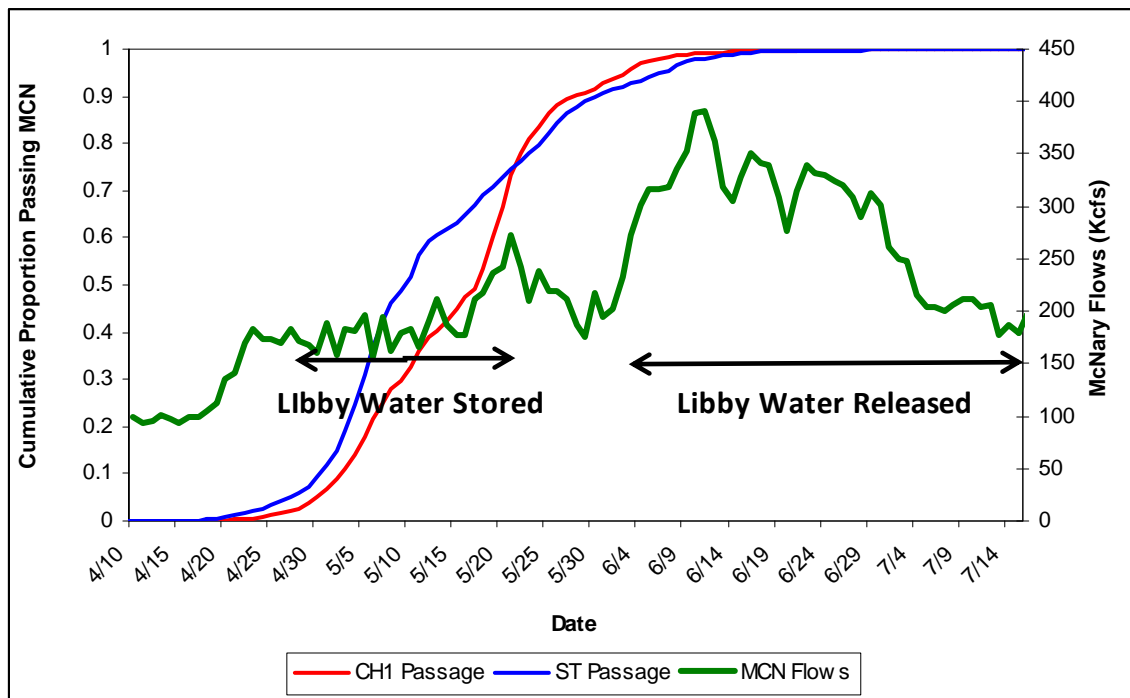
Colonel Anthony Wright  
US Army Corps of Engineers  
Seattle District  
PO Box 3755  
Seattle, WA 98134-3755

Dear Colonel Wright,

We request that the Corps of Engineers engage in conversations with the other Action Agencies, in a timely manner, to ensure the operation of Libby Dam for the provision of flow in the implementation of both the USFWS Sturgeon Biological Opinion flow/spill test, as well as the NOAA-NMFS Salmon Biological Opinion. This past year the implementation of the sturgeon flow/spill test at Libby Dam required that water be stored in the reservoir during late April and May in order to facilitate a higher reservoir elevation and probability of the experimental spill test. This storage of water negatively affected the downstream flow of water at McNary Dam when the majority of listed spring juvenile salmon were passing through the lower Columbia River. The need to store water resulted in a reduction from already very low spring flows, which at the time were well below the minimum spring flow target required by the NOAA-NMFS Salmon Biological Opinion. In 2010 the Salmon Managers agreed to the Corps' request in recognition of the importance of listed sturgeon and the implementation of the experimental spills to increase flow below the project.

Part of the reason why the Corps had to request to store water during the spring season was due to the prior operation of Libby Dam. The December draft of the reservoir to 2411 feet likely contributed to the need for the actions contained in one Biological Opinion to be implemented in lieu of the actions in both Biological Opinions being implemented, since by the time the Corps coordinated the implementation of the Libby flow/spill test, the only way to assure the operation was to impact salmon flows. We believe that with advance planning there are other possibilities that could be considered in order to avoid this conflict between implementation of the actions contained in the two Biological Opinions.

While the water drafted from Libby during May was returned from early June to mid July (and the operation was volume neutral) the Salmon Managers are certainly concerned regarding the impacts to spring migrating juvenile salmonids given the timing of the operation relative to fish passage. As illustrated by the following diagram, approximately 78% of yearling Chinook and 73% of steelhead had passed McNary Dam and were in the lower Columbia River by May 22<sup>nd</sup>, while flow was being stored in Libby.



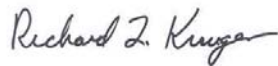
In contrast to the migration timing of juvenile yearling Chinook and steelhead, the water was stored into Libby between April 27<sup>th</sup> and May 22<sup>nd</sup>. During this period from 2 to 10 Kcfs (average of 5 Kcfs) was stored in the reservoir, while flows at McNary were below the McNary flow objectives of 220 Kcfs until May 19<sup>th</sup>. The volume was returned from June 3<sup>rd</sup> to July 15<sup>th</sup>, a time period during which flows were well above the McNary flow objective of 220 Kcfs. While the released water was provided during subyearling Chinook passage, the flow augmentation was meant for spring migrants, who did not receive the full benefit of the flow augmentation when the majority of spring fish were passing into the lower Columbia.

Specifically, in 2010, the Corps' December April-August forecast was greater than 5900 Kaf (6558 Kaf), and Libby Dam was drafted fully to elevation 2411 feet with no relaxation. However, during this period, the Reservoir Forecast Center forecasts for Libby (April-August) were consistently below 5500 Kaf, which would have led to a fully relaxed elevation of 2426.7 feet by the end of December. In retrospect, the December Corps' forecast was an overestimate of the Water Supply at Libby Dam and led to the maximum December draft of Libby Dam. In a year such as 2010, the draft of Libby Dam to 2411 feet by the end of December put Libby at a disadvantage with respect to meeting

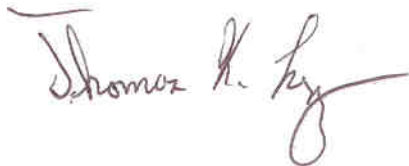
upper rule curve elevations, full salmon augmentation flow requirements and summer refill.

Had there been some flexibility in the December draft of Libby , and Libby did not draft to the full extent of 2411 feet by the end of December, the Libby reservoir might have been in a position that would not have required this refill in late April and May to conduct the flow/spill tests. We believe that with advance planning and changes in operational flexibility, the Action Agencies will be better positioned to implement the Biological Opinion measures for both sturgeon and salmon. Therefore, to facilitate the implementation of a Libby flow/spill test in 2011 we request that the Corps immediately begin working with the other Action Agencies to be prepared to provide the full Libby flow/spill test for sturgeon without infringing upon the Action Agencies' obligations for other listed species. We will work with the Corps and the other Action Agencies to resolve the issue.

Sincerely,



Rick Kruger  
Oregon Department of Fish and Wildlife



Tom Lorz  
Columbia River Inter-Tribal Fish Commission



Dave Statler  
Nez Perce Tribe