Enclosure 2

Bonneville's Recommendations for the 2001 Mainstem Rulemaking

This enclosure identifies recommendations on specific issues that Bonneville proposes to the Council for consideration.

Natural Ecological Functions

The Basinwide Provisions for the new program amendments begin by proclaiming that "Wherever feasible, this program will be accomplished by protecting and restoring the natural ecological functions, habitats, and biological diversity of the Columbia River Basin." This vision is closely aligned with the forthcoming Implementation Plan's goal to reestablish conditions in the mainstem that are closer to those that existed prior to construction of the hydrosystem. The Plan will outline how the action agencies will pursue a comprehensive approach to achieve this long term goal by first attaining the survival performance standards for juvenile and adult salmon as identified in the NMFS BO. In this way, we will progress toward the longer-term vision of feasible natural ecological functions, habitat, and biological diversity. We recognize, however, that actual restoration of a natural river is a broad-scale, long-term goal that is not feasible in the timeframe in which we now work. For the federal agencies responsible for meeting the objectives of the NMFS and FWS BOs, this is a matter of sequencing: achievement of near-term objectives of the BOs during the next 10 years, and progress in the longer-term toward more natural-like conditions.

The Columbia is one of the most technologically influenced river systems in the world. NMFS, the Council, and the Action Agencies[1] all agree that over the current planning horizon the Columbia River system cannot be and will not be natural or normative. Nevertheless, the FCRPS can be operated in a manner that focuses increasingly on the natural ecological functions that support salmon mitigation and recovery. As the FCRPS configuration and operation continue to improve, the survival rates for many anadromous fish runs are approaching pre-dam levels, and the hydrosystem may no longer be the limiting factor in the survival and recovery of listed ESUs. The Implementation Plan will include additional incremental improvements of the modifications to the FCRPS that made these survival improvements possible.

We recommend the Council adopt mainstem amendments that include quantifiable and achievable goals or biological objectives. The NMFS BO and the Implementation Plan include such quantifiable standards. We hope the Council will adopt these as consistent with its program vision of identifying and implementing feasible, cost-effective measures that improve the natural ecological functions, habitats, and biological diversity of the basin that contribute directly to fish survival objectives. To the extent that the Council may adopt additional objectives, it should ensure that they are compatible with, not contradictory to, those of the BOs and Implementation Plan.

[1] The U.S. Army Corps of Engineers, Bureau of Reclamation, and BPA are the Action Agencies under the NMFS and FWS BOs.

All H Approach to Mitigation and Recovery Planning

The Action Agencies' Implementation Plan will be guided by a fundamental strategy—the implementation of recovery actions broadly and comprehensively across all aspects of the salmon life cycle. This All-H approach was the centerpiece of the Federal Caucus' *Basinwide Salmon Recovery Strategy* (Federal Caucus, 2000). This broad strategy is supported by recent scientific reviews (Bevan, et al., 1994; NMFS 1995; NRC 1995; Independent Scientific Group (ISG) 1996) and is consistent with principles in the program and the Tribal Salmon Recovery Plan (CRITFC, 1995). Although these reviews and plans have differed in their emphasis on the approach to recovery deemed most appropriate, they share this common theme—the importance of implementing recovery actions broadly and comprehensively across all life stages and aspects of the ecosystem. We recommend that the Council's mainstem amendments share this theme as well.

Because an All-H approach provides the best chance for meeting recovery goals, the following scientific principles, agreed to by the members of the Federal Caucus, are part of the foundation for the Implementation Plan.

- Conservation of Columbia Basin fish and aquatic species must address all aspects of the ecosystem and the species' life cycle.
- Conservation requires a network of diverse, high quality, interconnected habitats, and high water quality. Natural systems functioning properly are crucial to rebuilding fish populations.
- Conservation requires preservation of life history diversity, genetic diversity, and metapopulation organization. These characteristics affect the response of anadromous and resident fish populations to both demographic variation and variation in climate and environment.
- Because human activity, development, and population growth will continue, conservation depends on managing these human impacts to achieve suitable ecosystem conditions for fish.
- Technology and research can be used to complement natural functions but cannot replace them.
- Viability (or status) of salmon and steelhead populations can be evaluated based on abundance, productivity, population structure, and genetic diversity.

As the Plan develops, the Action Agencies intend to fully integrate it with the priorities established under the Program. This strategy, and the science that supports it, recognizes that hydro system reforms alone cannot and will not recover the widely distributed fish runs at risk in the Columbia Basin. Although the NMFS BO and the Implementation Plan rely on a number of improvements in dams and dam operations, they also provide for "off-site mitigation" for federal hydro system effects—in the form of habitat protections and improvement, hatchery reforms, and support for more selective harvest. Nevertheless, the actions that will be included in the Implementation Plan are not a recovery plan in and of themselves. Absent additional improvements by other agencies and entities, recovery will remain elusive.

The basic hydro system strategy to be outlined in the Plan is to make operational, and structural fish passage improvements at FCRPS projects to increase the survival of ESA-listed and non-listed juvenile and adult fish.

More specifically, the primary strategies will be to:

- Improve project configuration and operations to increase adult and juvenile survival at dams;
- Improve juvenile survival in reservoirs;
- Improve adult survival;
- Improve water quality.

In addition, a number of related strategies will also be included:

- Manage available storage to improve survival in reservoirs and rivers;
- Seek opportunities to acquire additional water for improving fish survival;
- Transport juvenile fish where opportunities for improved survival exists;
- Protect bull trout and sturgeon from adverse effects of hydro system operations through flows and ramping rates;
- Consider and address effects on cultural resources.

In developing the hydro system strategy, the Action Agencies are guided by a key scientific principle advanced by both the National Research Council (1995) and the Independent Scientific Group (1996). Specifically, that on a broad scale, river management strategies and mainstem habitat improvements should emphasize re-establishing key functions or functional attributes of a normative river. The Tribal Plan, Spirit of the Salmon (CRITFC, 1995), agrees with this approach, stating that "To support anadromous fish, mainstem habitat must be returned to natural conditions closer to those that existed prior to construction of the dams." In large measure, we believe this principle also underpins the conceptual foundation of the Program. The Action Agencies accept this principle as a broad-scale, long-term vision. We plan to pursue this vision through a comprehensive approach to achieve the survival based performance standards for juvenile and adult fish in the hydrosystem as identified in the NMFS BO. This approach emphasizes incremental survival improvements that can be achieved within a reasonable planning horizon. In this way, we will progress toward the longer-term vision of feasible natural ecological functions, habitat, and biological diversity.

The Action Agencies plan to pursue such a comprehensive approach in order to achieve the survival-based performance standards for juvenile and adult anadromous fish identified in the NMFS BO.

To succeed, the hydro system strategy must be multi-faceted since it must improve:

- Survival through various life stages for different species;
- Conditions for stream-type and ocean-type juvenile outmigration;
- Conditions for migrating adults;
- Conditions for fall chinook and chum that spawn in the mainstem of the Columbia or Snake rivers;
- Hydropower operations and configurations to improve water quality.

Simultaneously applying and testing these assumptions, the Action Agencies anticipate implementing procedures to improve survival of juvenile fish passing dams via reduction of turbine-related mortality through alternative routes of passage such as spill, bypass, and surface bypass. Where effective and feasible, structural features at dams will take advantage of the fish's normal behavior. Dam-related projects that are likely to provide for safer passage of fish through turbines will be considered a high priority since fish will continue to pass through turbines regardless of the effectiveness of non-turbine passage alternatives. Hydro system operational strategies will be designed to improve survival of in-river migrants through strategic flow management, through the use of stored water to augment flows to depict a more natural hydrograph, and to improve water quality.

In addition, the Action Agencies will design hydro system methods to reduce juvenile losses to various fish, avian and marine predators during those times or locations where human perturbations have either disadvantaged salmon or favored predators. Operational measures will be implemented to decrease non-native species. Actions will be pursued to enhance mainstem habitat conditions throughout reservoirs and to foster more natural processes and enhance productivity that provides cover to all migrants, better providing for the needs of ocean-type outmigrants during their so-called rearing migration. These improvements to survival of in-river migrants may obviate the need for transportation. However, the Action Agencies expect to continue transportation until the benefits are exceeded by those of in-river migration. Implementation actions will be subject to in-season management decisions.

This hydro system strategy will provide a balanced approach to ensure that the needs of adult fish are fully achieved. This is particularly important since emphasis on operations and investments is at present more focused on juveniles, yet significant uncertainties exist relative to the health and vigor of returning adults. Adult passage strategies at dams continue to focus on improving the effectiveness of collection facilities and ladders to reduce passage delay, adult fallback, and other conditions that may result in stress, excessive energy expenditures, injury, or other cumulative impacts. Project operations (turbines, spillways, bypass) are further designed to enhance effective passage. A more recent focus includes consideration of passage and reconditioning of steelhead kelts to enhance their survival and health for potential repeat spawning.

The hydro system strategy will also include a comprehensive research, monitoring, and evaluation (RM&E) program. This will facilitate learning more about the needs of this complex system and its fish and wildlife, what has been successful, and what approaches need modification. All independent reports that address Columbia Basin salmon recovery emphasize this fundamental RM&E element of recovery efforts (Independent Science Advisory Board (ISAB), 1999), and the need for increased effectiveness.

The identification of actions to achieve these improvements is informed by the following scientific assumptions:

- Passage through non-turbine routes generally provides higher survival than turbines, with spill or surface bypass generally being the most favorable.
- Flow management provides an opportunity to improve conditions for outmigrants, but simple flow-travel time or flow-survival relationships do not adequately capture the complexities.

- Dams contribute to high dissolved gas supersaturation levels that may be detrimental to the health of aquatic fauna.
- Dams may contribute to water temperature variations that may contribute to delays in migration and excessive energy expenditures by adults and reduced survivability of juveniles.
- Native and non-native predators consume significant numbers of juvenile salmonids in reservoirs and near dams.
- Juvenile fish transportation generally results in more returning adults than in-river migration, (though is hotly debated and inconsistent with those who value in-river migration as the primary strategy).
- An unaccounted loss of adults is significant on a system-wide basis, and some FCRPS improvements may substantially increase adult conversions.
- Opportunities to improve mainstem habitat have been largely unexplored, but may provide significant survival benefits to migrating fish and for mainstem spawning.

Performance Standards and Biological Objectives

Performance standards are central to the BO and Implementation Plan, and they should be central to the unified plan. For the long term, performance standards establish the level of improvement needed for survival and recovery in each stage of the salmon and steelhead life cycle. For the short term, performance standards provide clear, but flexible objectives for evaluating the success of actions under the BOs.

At present, the performance standards apply only to salmon and steelhead. In the future, performance standards will be developed for bull trout and white sturgeon as recovery planning for these species progresses.

The performance standards the Action Agencies will propose in the Implementation Plan are preliminary. For salmon and steelhead, the draft framework developed by the Action and federal fisheries agencies and the standards presented in the NMFS BO provide the basis for the Action Agencies' performance standards. The proposed standards will no doubt be adjusted and revised as implementation progresses and as new information emerges from RM&E. The Action Agencies welcome parties in the region to help build on these performance standards.

The region's RM&E program should measure progress toward, or compliance with, these performance standards. The structure of the research program, as discussed below, should be designed to link directly with the performance standards.

A crediting system—tied closely to performance standards and to the RM&E program—will track how well mitigation objectives prescribed in the NMFS BO are being met. The Action Agencies plan to develop a relatively simple crediting system based on implementing BO actions and their contribution toward biological and physical performance standards. We expect to develop the performance standards in conjunction with NMFS and the Council. The crediting system will improve as performance measurement tools are refined through experience and RM&E. In 2003, 2005, and 2008, at mid-point evaluations under the NMFS BO, the performance standards will be the benchmark against which progress will be assessed.

Critical Uncertainties

BPA endorses the Council's commitment to work regionally to identify scientific uncertainties and solicit proposals for resolving them. The NMFS BO identifies a number of uncertainties and directs how the action agencies should address them. We believe the effort under the program should seek to link resolution of uncertainties to the creation or support of the attributes of natural ecological functions on the mainstem. To the extent the program differs from the Implementation Plan, it will be important that the program address the key uncertainties by including clear incremental steps, guided by quantitative measures of progress, toward achieving the biological objectives and performance standards. To this end, we recommend the Council use the mainstem rulemaking and the subsequent call for research on uncertainties to select the paths and actions for achieving the program's broad goals. Of special importance in this effort will be the link of the resolution of the uncertainties to the RM&E undertaken by BPA and others. The RM&E will be key to tracking the progress and ensuring the scientific and economic credibility of the program.

Research, Monitoring, and Evaluation (RM&E)

BPA greatly appreciates the Council's role in pushing for mandated, standardized RM&E protocols for all measures implemented under the program. Similarly, the NMFS biological opinion calls for development of RM&E protocols and consistent use of them once they are developed. These efforts must be merged and related to our biological objectives and performance standards. There is neither the time nor the money to develop two independent RM&E processes, nor would separate programs be effective. The actions RM&E would apply to, the species affected, the geographical area involved, and the entities undertaking the efforts are in many instances the same. Having separate processes would increase confusion as to what protocols to apply, or, indeed, both protocols could be applicable in some instances. The Action Agencies, the Council, and NMFS should work with the region to develop a unified RM&E approach adequate to address all efforts whether they are undertaken for mitigation or recovery purposes. At a minimum, any protocols implemented through the program should be coordinated with what BPA is required to provide under the NMFS BO such that both protocols collect the same kinds of data in the same formats and can be compared and integrated without difficulty.

Enclsoure 1 – Comparison of Mainstem Strategies with NMFS BO RPA Actions

Enclsoure 1 illustrates the many actions under the NMFS BO that correlate directly with the strategies and elements of the Council's mainstem portion of the 2000 Program Amendments. Not all of the actions in the BO reasonable and prudent alternative are listed in Enclosure I. Some unlisted actions seemed to be more appropriate for inclusion in a response to the Council's future solicitation for mainstem measures because they are applicable to mainstem juvenile passage improvements or research, monitoring, and evaluations that relate to a particular dam; e.g., Actions 60-81 and 97-99. Similarly, actions dealing with predator studies, including 100-107, and water quality or related issues, 130-143, may be more appropriate as specific measures to propose in the future. Finally, certain actions focus on hatcheries, harvest, and tributary habitat, so we have not included those in Enclosure I.

Adequate, Efficient, Economical and Reliable Power Supply

Two provisions under the Northwest Power Act call for the Council to make economic determinations as it develops the program and its amendments. Specifically, where equally effective alternatives to achieve a biological objective exist, the Council needs to adopt the measure with the minimum economic cost. Generally, the program's measures need to protect,

mitigate, and enhance fish and wildlife while simultaneously assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply.

BPA's recommendations for the Council regarding economics parallel these two mandates. First, we request that Council highlight its findings of which is the least cost alternative when two or more proposed measures would achieve the same biological objective. Second, we request that the Council rigorously verify that implementation of program amendments does, demonstrably, allow BPA to assure the Pacific Northwest an adequate, efficient, economical, and reliable power supply. In addition, BPA encourages the Council to look throughout the program for areas of diminishing returns—places where significant reductions in cost have minimal impact on effectiveness and contribution to biological objectives.

Emergency Procedures

The 2000 program amendments emphasized curtailing fish and wildlife operations during emergency situations should not be used instead of establishing and adequate and reliable power supply. To clarify when emergencies may be declared, BPA and the other action agencies issued a 2001 FCRPS Operations Plan on May 25, 2001, which includes criteria for declaring a power emergency. The plan is available at http://www.salmonrecovery.gov/index.shtml. The results of decisions made and lessons learned in this operational year will further inform the criteria in the operating plan. We commit to engaging the Council and seeking advice during this rulemaking to gain further clarity and appropriate priority for fish passage, predator control, water quality, and other important needs. We hope that power emergency criteria can be developed and incorporated into the mainstem rules for application in future years.

Essential Fish Habitat and the Estuary

The NMFS BO includes documentation of the Action Agencies' consultation regarding FCRPS affects on essential fish habitat pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. In its BO, NMFS provided recommendations for conserving essential fish habitat (EFH) which consist of proposals for improvements in the estuary. See Actions 158, 159, 160, 161, 162, 163. These actions specify mitigation ranging from enhancing 10,000 acres of tidal wetlands in the lower river, to funding research to address estuary objectives, to modeling the relationship between estuarine conditions and salmon population structure and resilience. Other actions in the RPA address predation by Caspian Terns in the estuary, marine mammal predation, and studying how to reduce predation losses. See Actions 102, 105, and 106. The BO emphasizes, as does the Council, that mitigation and recovery efforts in the estuary should complement and not supplant the efforts under the Lower Columbia River Estuary Program. BPA endorses this approach.

The species of fish with designated or recommended EFH include more than those species listed under the ESA. The EFH conservation measures are not identical with the RPA measures because the RPA measures focus on improvements to habitat for listed salmon while the EFH conservation recommendations apply to all species with designated EFH habitat. Nevertheless, the potential improvements from the RPA measures are broad and will benefit more than listed salmonid species.

Mainstem Fish Habitat

In the NMFS BO, Actions 155, 156, and 157 call for BPA and other agencies to take a number of actions in the mainstem to improve habitat. These actions range from sampling reaches and identifying research needs to developing improvement plans for all mainstem reaches. The

agencies need to initiate improvements on at least three reaches. Chum salmon will receive special attention with regard to their habitat needs in the Ives Island area and below The Dalles Dam. This is the first comprehensive step toward improving mainstem habitat beyond flow, spill, and configuration. Such habitat improvement actions are unique in that it is primarily federal agencies with expertise or abilities in these areas. Given that the Corps both controls the projects in the areas of the mainstem where habitat improvements could occur and regulates work in navigable waters, and BPA is slated to fund extensive estuary measures, this is an area of mitigation and recovery the Action Agencies expect to address directly themselves. The Council's assistance in pursuing these improvements would be very helpful, particularly given that mainstem habitat borders multiple states.

Ocean Plume

The Council's request for recommendations indicates parties should also consider ocean and plume impacts in this process. Discussions with staff to clarify this request found the Council seeks recommendations that examine how hydrosystem operations affect the near shore ocean environment. We agree that considering the marine environment is essential to an accurate understanding of salmon life histories, as well as being an important step in implementing section 4(h)(10)(D)(vi) of the Act. Without it, resource management decisions cannot be based on firm scientific ground. For instance, changes in marine survival appear to be related to sudden physical and biological shifts in the ocean and atmosphere. These changes appear to have been intensifying, and worsening, since the 1960s for fish originating in Oregon. The ocean survival of Oregon coastal coho salmon—which by the way are not affected by dams—decreased in the 1990s to $1/10^{th}$ of the survival experienced in the 1960s. Another way to look at the importance in understanding the ocean's effect on salmon adult returns is that ocean-condition affected mortality may overwhelm the effects of any action taken in the fresh water portion of the salmon's life cycle, thus resulting in misinterpretation of the effects of management actions taken in the mainstem or tributaries. Given the capacity of marine conditions to affect smolt-to-adult returns by an order of magnitude, sometimes even for fish released just a few days apart, we urge the Council to support the ongoing federal efforts and plans to ascertain the affects of the marine environment on salmon survival.

Water Quality

In National Wildlife Federation v. U.S. Army Corps of Engineers, Civ. No. 99-442-FR (D.Or. filed Feb. 16, 2001), a recent order by Federal District Court of Oregon Judge Frye directed the Army Corps of Engineers, with respect to the Lower Snake dams, to replace its record of decision following the 1998 NMFS Supplemental BO with a new decision that "addresses its compliance with its legal obligations under the Clean Water Act within sixty days of the order of summary judgment." As it is not a party to this suit, BPA defers to the Corps to respond to the still active lawsuit. BPA decisions will complement the Corps'.

The commitments expressed in the 2000 NMFS BO continue substantive actions by the Action Agencies to improve water quality and to make further improvements and progress toward meeting applicable water quality standards while also meeting fish survival objectives. The principal water quality standards affecting dams are those for total dissolved gas, which increase after water spills over a dam, and water temperature. NMFS, Environmental Protection Agency, and the Action Agencies have focused on these water standards. The implementation plans identify what actions are planned initially. Again, the Council's assistance in integrating fish passage needs while improving water quality would be appreciated.

Federal Energy Regulatory Commission (FERC) Hydro Relicensing

Considerable hydro development occurred throughout the region before, during, and after construction of the FCRPS projects. BPA recommends the Council commission an independent study to provide a broad overview of these non-federal projects that discusses the impacts they have had on the region's fish and wildlife and to what extent the project owners have been obligated to mitigate and have in fact done so. A comparison of the impacts caused by these projects, the effectiveness of the mitigation for them, and an analysis of the cost of that mitigation compared to the project cost and annual revenues would be instructive. This information could be useful to FERC and others as hydro projects throughout the region are relicensed for the first time since numerous species have been listed under the ESA. Given the number of ongoing relicensing proceedings, the study should be done in no more than one year. Then the Council can and should fashion recommendations to FERC for the each relicensing proceeding based on the information gathered. An important goal should be that non-federal project owners contribute enough mitigation to offset their project's impacts and not impede the effectiveness or increase the costs of BPA's efforts to mitigate and recover fish and wildlife. Consideration of both federal and non-federal projects and their impact on fish and wildlife resources is the only means by which we can truly pursue the establishment of more normative processes and achieve a comprehensive regional plan for fish and wildlife protection.

Exotics and competition

To achieve the primary fish-related goal of the program—increased anadromous fish runs through more normative processes—the program, and the mainstem rule, need to focus on the goal and resolve resource conflicts that hinder the achievement of this goal. The Council has been very diplomatic in its approach to the effect of competition or predation on the basin's native anadromous fish from exotic species such as walleye, smallmouth bass, catfish, and shad. BPA recommends the Council take a more aggressive position against measures that essentially direct the action agencies to manage the FCRPS for the benefit of both native anadromous fish and non-native exotic fish species. To achieve the primary goal of the program, all other measures must be evaluated as to their impact on the region's ability to achieve that goal. By avoiding a firm stance against measures that support non-native exotics in the mainstem, by not affirmatively directing the fisheries managers to address this conflict in a manner that ensures that predation and competition from exotics is not limiting our mitigation and recovery efforts, and by not recommending system operations that could reduce the impact of exotics on native fish, the Council is condoning fisheries management actions that greatly increase the risk we will not achieve the primary goal of the program. This is a difficult societal issue that must be addressed to achieve the vision of the Council's program.

Snake River Basin Adjudication (SRBA)

Possibly the most important litigation in the basin today is the SRBA. It involves thousands of water rights and controls the fate of millions of acre feet of water originating in the upper basin that directly affect mainstem flows and water quality. BPA is not a party to the litigation. Nevertheless, indications are that FCRPS operations, and BPA mitigation dollars, are a subject of discussion, usually in the context of being used to offset a sacrifice a party is insisting upon to reach settlement. Put simply, it appears that the FCRPS may be drafted to bear the mitigation burdens of non-FCRPS projects and actions. The Council should begin calling on SRBA parties to brief the Fish Four publicly regarding any proposal that may affect FCRPS operations, priorities, or mitigation costs.

New Water Rights

The states with regulatory authority over the diversion of water within their boundaries have issued hundreds of water rights certificates allowing an enormous quantity of water to be diverted from the Columbia and Snake rivers for consumptive uses. Many of these uses have contributed greatly to the economic growth and development within the basin, as well as the health and safety of its citizens. These water withdrawals have also reduced the amount of water available for fish and wildlife dependent upon instream flows, reduced the volume of water available for hydropower production, and altered overall water quality. In addition, as more combined cycle combustion turbine electric power plants are proposed on or near the mainstem—and some of them propose to use millions of gallons of water a day—the use of the mainstem becomes even more complex. Currently, moratoriums exist prohibiting regulatory approval of additional consumptive use withdrawals from the mainstem. BPA recommends the Council examine whether it is appropriate to make this prohibition permanent, and, if so, how best to support the states in making and enforcing such a decision.

Interstate Flow Agreements

As the program is habitat based, it is critical to ensure that there is habitat to protect, mitigate, and enhance. Water is habitat. Water laws in many instances prevent BPA and others from achieving the biological objectives called for in the program. The Council could facilitate the ability to protect aquatic habitat by working with state legislatures to ensure state law recognizes instream water rights for aquatic habitat as a beneficial use. In addition, when existing water rights are converted to instream use, state water agencies should grant the new instream water right the same the priority date of the original water right.

Once instream flow rights for aquatic habitat are recognized by state law, the Council should convene the states of Montana, Idaho, Washington, and Oregon and seek to establish an flow agreement that allows for an instream water right acquired and recognized in one state to be recognized and protected from diversion in a downstream state.

Columbia River Treaty

The solicitation for mainstem recommendations suggests the Council may want to address the Columbia River Treaty. It is unclear what elements of the Treaty would be discussed under this rulemaking. Any changes to the Treaty would require extensive negotiation—through the Department of State, agreement with Canada, and probably ratification by the Senate. Although BPA is half of the U.S. Entity, and the Corps the other half, we along with our Canadian Entity counterpart do not have the authority to make changes to the Treaty. The Entities can only make changes by an exchange of notes that come within the scope of the Treaty. The Treaty is for power and flood control; it does not address fishery operations. Therefore, while we are willing to discuss the opportunity for increased fishery related Treaty operations, BPA does not believe it would be productive to propose changes to the Treaty itself.

Reports to the Council

The mainstem strategies and elements in the 2000 Program Amendments call for BPA to provide additional reporting to the Council. BPA is willing to work with the Council to provide any information the Council believes it needs. BPA would like the Council to work with us to consider what information is needed, how it can best be obtained, and whether it already exists in a useable form such that additional reports are unnecessary. BPA believes that between existing reporting processes, and those established under the new BOs, the region's reporting needs should be met. Again, we strongly encourage the Council to emphasize the need for

coordination among regional interests and the integration of programs into a comprehensive unified plan.

Additionally, we encourage the Council to reengage the Technical Management Team forum. It is an excellent means for staying informed of operational issues and to provide input as agencies and tribes work together to balance power system considerations and the needs of fish and wildlife. Representation in the past allowed the Council to know when actions were contrary or complementary to the program. It would be helpful if the Council would once again participate in this forum.