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February 3, 2014

MEMORANDUM

TO: Council Members

FROM: Jim Ruff – Manager, Mainstem Passage and River Operations

SUBJECT: Briefing on NOAA's 2014 Supplemental FCRPS Biological Opinion

At the February 11, 2014, meeting in Portland, the Council will get a briefing about NOAA Fisheries' recently completed 2014 Supplemental Federal Columbia River Power System (FCRPS) Biological Opinion. Presenters will include Bruce Suzumoto (NOAA Fisheries), Rock Peters (Corps of Engineers), Sarah McNary (BPA) and Kate Puckett (Bureau of Reclamation).

Background

On August 2, 2011, the U.S. District Court issued a decision to leave the FCRPS Biological Opinion (issued in 2008 and supplemented in 2010) in place through 2013, stating that many of the measures were beneficial and ordering continued implementation of all mitigation actions. The Court found fault with NOAA's reliance on the mitigation program proposed for 2014-2018, stating that the Biological Opinion lacked sufficient detail on tributary and estuary habitat projects post-2013. Thus the Court remanded the Biological Opinion and ordered NOAA Fisheries to produce a new or supplemental Biological Opinion by January 2014, and to collaborate with the region's sovereigns to develop mitigation actions.

In response to the remand order, the 2014 Supplemental FCRPS Biological Opinion reevaluates the analyses and conclusions of the 2008 and 2010 FCRPS biological opinions, considering:

- The best scientific information available relevant to the status of the listed species;
- The effectiveness of Reasonable and Prudent Alternative (RPA) implementation to date, evaluating whether the RPA is being implemented as intended and its likelihood of producing the expected results; and
- The RPA actions targeted for implementation from 2014 through 2018, particularly focusing on tributary and estuary habitat, to assess whether the operation of the FCRPS, combined with the RPA, avoids jeopardizing the continued existence of the species.



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2014 Supplemental Federal Columbia River Power System Biological Opinion

FCRPS Background

- **2008/2010 Biological Opinions**

- Guide FCRPS operations from 2008 through 2018
- Provide comprehensive set of actions, or reasonable & prudent alternative, to protect 13 salmon & steelhead species
- RPA addresses the needs of fish—targeting hydro, habitat, harvest, hatchery, & predation management improvements
- Enhances juvenile and adult hydrosystem survival
- Adaptive management framework, informed by RM&E, guides RPA implementation based on new scientific information
- RM&E & adaptive management ensure RPA objectives will be met by 2018
- 2010 updates 2008 BiOp with more rigorous adaptive management framework & contingency measures should fish abundance decline

- **2014 opinion supplements 2008 & 2010 BiOps**

2014 Supplemental FCRPS BiOp

- Addresses 2011 Court Remand Order
- Reviews best available science
- Examines tributary and estuary habitat projects identified for 2014 through 2018 period
- Evaluates implementation progress, as described in the Action Agencies' 2013 Comprehensive Evaluation; and reviews prospective actions described in Action Agencies' 2014 – 2018 Implementation Plan
- Examines whether the RPA, together with the prospective actions, is being implemented as intended & analyzed in the 2008/2010 BiOps
- Conducts population level analysis: If no significant changes at population level, then 2008 major population group & species conclusions remain valid

Biological Status of the Species

- NOAA reviewed updated species status information & data
- Status is within the range considered in the 2008/2010 BiOps
- Abundance was higher & less risk of extinction; productivity metrics, including returns-per-spawner, were generally lower
- Decreased returns-per-spawner is likely the result of density dependent processes related to higher abundance

Changes to Current Implementation

- Transportation start date modified to better “spread the risk”
- McNary transport no longer planned
- Spring to summer spill operations changed to cover $\geq 95\%$ of spring migrants
- Summer spill cessation timed to juvenile passage trigger
- Cormorant reduction in the estuary—reduce to 5,500 pairs nesting on East Sand Island

Tributary & Estuary Habitat Findings

- Preliminary RM&E results indicate habitat actions implemented since 2007 are correctly targeting degraded conditions & benefiting fish
- Habitat actions for 2014 – 2018 are sufficiently defined, within the Action Agencies' legal authority & jurisdiction, and economically & technically feasible
- Habitat actions for 2014 – 2018 adequately identify type of work; limiting factors to be addressed; extent of area to be treated & protected; location of work; and, for tributary habitat, populations to benefit
- Projects identified for implementation from 2014 – 2018, when added to projects implemented since 2007, are sufficient to achieve RPA habitat standards

2014 Findings

- RPA is being implemented as intended and on track
- New information shows no significant changes from the effects expected in 2008/2010 determinations
- For 22 of 24 populations, higher survival estimates than expected in 2008
- For 2 populations (Wenaha and Minam) lower survival estimates than expected in 2008
- Wenaha and Minam populations are performing well, so productivity and extinction risk metrics still attain goals
- No significant changes at the population level, so MPG and species level findings remain valid

2014 BiOp Conclusion

- RPA, as amended, is not likely to jeopardize the continued existence of the listed species or destroy or adversely modify their critical habitats
- Modifications and additional actions not necessary to avoid jeopardy