

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

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Bob Lohn
Regional Administrator
NOAA Fisheries
BIN C-15700
7600 Sandpoint Way, NE
Seattle, WA 98115

Dear Mr. Lohn,

The State of Alaska, an interested and affected party, is gravely concerned over Bonneville Power Administration (BPA) proposals to reduce summer spills at Federal Columbia River Power Dams.

It is our understanding that apart from the general success achieved in 2002, the BPA has not met the levels of summer spill identified as necessary to improve juvenile fish passage and survival in recent years. The present request for reduced summer spill is a poor indicator of progress in meeting the standards set forth in the December 21, 2000 Biological Opinion (2000 Biop). A request for reduced spill should not be routinely granted. Absent compelling justification, the request should be denied.

Because we were not directly noticed of the request or served with a copy of the BPA proposal, the details are unclear. But Alaska has been informed that BPA may justify its request to reduce summer spill by relying on a reduction in the harvest exploitation rate. Based on the information available to Alaska, such a request appears premature. To our knowledge, the standards for any off-site mitigation credit have not been set. Nor have the Action Agencies established performance measures for any harvest measures that may benefit ESA-listed fish. In addition, it is unclear that any measures to which BPA may have contributed were not already likely to occur. As the 2000 Biop notes, "offsite mitigation is intended to complement, not displace, actions by other entities to address ...harvest." Biop at 9-3.

Moreover, we consider the use of off-site mitigation as compensation for the normal operation of the Federal Columbia River Power Dams, at the flow and spill levels specified in the Biop. The BPA request to reduce spills lowers the bar. Reducing summer spill will likely reduce the net survival benefits of other actions. That hardly seems the purpose of recognizing off-site mitigation. Even under normal operation, passage success and interdam loss are a serious concern.

Alaska also has broader concerns with the apparent inconsistency of this action with the Pacific Salmon Treaty. Alaska is a party to the Pacific Salmon Treaty (PST), an international agreement affecting salmon stocks harvested in the Pacific Northwest, Canada, Alaska, and by Tribes. In 1999, after several years of intense negotiation, the U.S. entered into an historic package of agreements with Canada under the Pacific Salmon Treaty to ensure the conservation and coastwide rebuilding of salmon stocks. Importantly, salmon stocks meant to benefit from those agreements include summer and fall chinook stocks that originate in the Columbia River. Alaska's Treaty fisheries are affected by Columbia River salmon issues.

The Treaty adopts an abundance-based harvest management approach for chinook stocks. This new harvest management approach was adopted specifically to address concerns over the preservation and conservation of stocks that a reduced spill would put at increased risk. Approval of such a proposal could ultimately shift more of the burden for conserving this stock on Alaska, in direct contravention of the Salmon Treaty and domestic U.S. agreements memorialized by Congress in legislation approving and funding the package of Salmon Treaty agreements. The proposed spill reductions should not be permitted if they result in additional harvest restrictions in the Treaty fisheries of the U.S. and Canada.

Further, the impacts on fish passage and survival caused by spill reductions are directly contrary to the '99 Treaty Habitat and Restoration Agreement (Appendix E). This agreement was designed to ensure "safe passage" for Columbia River salmon. A strong consensus has developed among the managers that additional harvest management restrictions are not going to help us rebuild salmon stocks, in the face of continued destruction and degradation of salmon habitat. The Habitat and Restoration Agreement captures this agreement of the U.S. and Canada, where both Parties agreed "to use their best efforts to maintain and, as needed, improve safe passage of salmon to and from their natal streams." Your actions, perhaps unknowingly, are inconsistent with the agreement of the U.S. and Canada, as well as, earlier agreements reached by the parties to the underlying action.

As stated above, Alaska was not noticed of this action. This is a matter of particular concern where BPA's proposed actions might impact Alaska as a fishery manager. Lack of direct knowledge of the BPA proposal has made it difficult to present comments, but the general topic is too important to stand silent.

At this time Alaska cannot support BPA's summer spill request. Further, we request that an evaluation be undertaken as to the expected impacts of reduced summer spills, including impacts on fisheries in Southeast Alaska, as well as any proposed mitigation to those impacts. Please contact Susan Aspelund at the Alaska Department of Fish and Game if you have any questions. Thank you for your careful consideration of our views.

Sincerely,

Kevin C. Duffy
Commissioner

cc: Alan Austerman, Special Assistant, Alaska's Office of the Governor
Judi Danielson, Chair, Northwest Power & Conservation Council