

COLUMBIA RIVER TECHNICAL MANAGEMENT TEAM

September 22, 2021

Facilitator’s Summary

Facilitator: Emily Stranz; Notes: Colby Mills

The following Facilitator’s Summary is intended to capture basic discussion, decisions, and actions, as well as point out future actions or issues that may need further discussion at upcoming meetings; it is not intended to be the “record” of the meeting. Official minutes can be found on the TMT website: <http://pweb.crohms.org/tmt/agendas/2021/>. Suggested edits for the summary are welcome and can be sent to Colby at colby@dsconsult.co.

System Operational Request 2021-6

Jay Hesse, Nez Perce Tribe, reminded the TMT that SOR 2021-6 is aimed to restore the application of Zero Nighttime Flow limitations and criteria in which had been in place in years prior to the 2020 CRS BiOp. [Note: the SOR was discussed previously at the September 15th TMT meeting.] Jay added that the request does not represent the “best-case scenario” for fisheries resources, because if implemented, there would still be Zero Flow conditions occurring from December 2021 through February 2022.

TMT Members were polled on the SOR, with some providing additional rationale for their responses:

TMT Member	Polling Response	Rationale (optional)
NOAA	Abstain	NOAA’s rationale was previously captured in the BiOp and TMT notes; they view this SOR as a request from Salmon Managers to Action Agencies. NOAA is happy to be part of the conversations.
OR	Supports	Oregon believes this SOR will steer operations in a more positive direction from what is currently planned, which would worsen the actions that are meant to ameliorate dam passage for fish.
WA	Supports	Washington supported the SOR as they are a conservation agency with the responsibility to protect and preserve species. WA feels that the SOR addresses concerns specific to at-risk and listed species that the information presented shows are present throughout the operation period. Additionally, Salmon Managers and AAs lack the ability to effectively monitor the operation and it’s impacts.
Umatilla Tribes	Supports	No additional comments.
Reclamation	Objects w/o Elevation	No additional comments.
Corps	Objects w/o Elevation	The Corps objects to the SOR, because it is a limitation on the operation that was included in the Proposed Action in 2020 and what was consulted on in the BiOps.
USFWS	Abstain	USFWS abstained because the SOR is an action already analyzed in their most recent BiOp, and there is currently no data available to change that conclusion. USFWS will be looking at data collected by the Corps from Lower Monumental and Little Goose dams on bull trout passage, however, those data are likely not available for one year.
ID	No Objection	No additional comments.
Nez Perce Tribe	Supports	Nez Perce Tribe’s support is based on trying to restore (as best possible) riverine conditions and passage for anadromous adult and juvenile fish during the time frame in the fall when there are substantial numbers still moving through the system.
BPA	Objects w/o Elevation	BPA expects to implement the operation per the guiding documents, with the frequency typical of the historic use over

	time; BPA included this in the Proposed Action, and was analyzed by NOAA in consultation of the BiOp.
Colville, Kootenai, Spokane, and Warm Springs Tribes, and State of Montana were not present to register a polling response.	

Action Agencies Decision: Tony Norris, BPA, reported that AAs have the flexibility to utilize Zero Nighttime Flow operations starting October 15. The frequency of use is expected to be similar to both last year and historical use when Zero Flow flexibility has been available. It will be used when there is a clear benefit to the region’s rate payers. BPA expects operations to be less frequent in the early fall with milder temperatures, and more frequent in the winter with colder weather conditions.

Doug Baus, Corps, clarified that the AAs do not plan on implementing the SOR; and instead expect to implement Zero Flow operations starting October 15 as identified in the 2020 CRS Biological Assessment, as well as the operation consulted on in the 2020 BiOp with NOAA and USFWS.

Objection to Decision: The Nez Perce Tribe, Oregon and Washington objected to the AAs’ decision to not implement the SOR and will elevate the decision to RIOG.

Jay clarified the Nez Perce Tribe’s rationale for objecting and elevating the AAs’ response to the SOR. The Tribe believes that completely stopping river flow is an unacceptable impact to anadromous fish behavior, passage, and riverine ecology as a whole. Additionally, there is concern with the frequency of implementation and that the criteria that were described in the ROD and BiOp (1 out of 3 or 1 out of 5 days) were routinely exceeded last year; the Tribe understands the AAs’ intent to implement this year is to use the 30% rule and not criteria as written in those documents. Finally, there is concern regarding the AAs’ rejection of the SOR based on the resulting change the SOR would have on already authorized operations in the ROD and BiOp. This remains a concern because TMT is supposed to be a forum for making adaptive management changes to those operations as described in those documents.

Erick Van Dyke, OR, added that seemingly turning a “run-of-river dam” concept into a “storage” concept is most troubling, especially when the outlook for fish is bleak. Oregon is concerned that the changes in zero flow operations move away from fish protection. Erick noted that it is difficult to track fish protection actions within these operational changes, and echoed the concerns raised by the Nez Perce Tribe. Oregon is concerned that these actions do not align with what is known and understood to support fish movement and sustainability into the future, noting that changes based on finances are not balanced. Lastly, the rationale of not having data to show impact is not valid given that some species have been functionally extirpated; this needs to be readdressed.

Charles Morrill, WA, agreed with the points made by the Nez Perce Tribe and Oregon, and noted the high level of concern from stakeholders in regards to steelhead and other listed species.

Claire McGrath, NOAA, requested that if and when Zero Nighttime Flow operations are implemented, BPA report on usage; including a summary of dates implemented, average hours per day per month, number of consecutive days implemented, in addition to the graphics showing a summary of generation as provided last year. This will allow Salmon Managers to monitor implementation in real time. Tony noted that BPA can produce graphics and summaries for TMT as requested as the operation is implemented.

- **ACTION: BPA will provide operational summaries (as requested by NOAA) at TMT meetings following implementation of the Zero Flow operations.**

Claire added that NOAA would like to see the TMT follow up on the concept of the AAs’ rationale for objecting to the SOR because it was not consistent with the limits as described in the BiOp. This is an important point to carry over for future discussion, as the BiOp was written to fulfill requirements of Section 7 of the ESA, and this

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is not the only regulatory mechanism or process for managing anadromous fish and working towards their recovery.

Questions and comments from members of the public: there were no questions or comments from members of the public.

The next scheduled TMT meeting is a conference call on October 6, 2021 at 9:00 AM.

Columbia River Regional Forum
Technical Management Team
DRAFT OFFICIAL MINUTES
Wednesday, September 22, 2021
Minutes: Melissa Haskin, BPA (contractor, FLUX Resources)

Today’s special TMT meeting was convened to discuss SOR 2021-6 and chaired by Doug Baus, Corps, and facilitated by Emily Stranz, DS Consulting. See the end of these minutes for a list of attendees.

1. Revisit of System Operational Request (SOR) 2021-6. Jay Hesse - Nez Perce Tribe, Tony Norris – BPA, and Doug Baus - Corps

SOR 2021-6 Was presented at the last TMT meeting by Jay Hesse, Nez Perce, to request implementing zero generation consistent with the 2005 SOR, with a slight modification to the start date for calculating the adult steelhead run-to-date. At last week’s TMT, the Action Agencies were not ready to provide polling responses. They asked for additional time for internal discussion and requested today’s unscheduled TMT to circle back to the SOR and poll.

Hesse started off by reminding TMT that the SOR aims to restore historical criteria that was in place before the most recent BiOp. He added that this SOR does not represent the best-case scenario for fish, but rather a less-worse case.

Emily Stranz, DS Consulting, polled TMT members and agencies on SOR 2021-6. As a reminder, the following entities are signed on to the SOR: OR, WA, Nez Perce Tribe, Yakama Nation, Warm Springs Tribe, Spokane Tribe of Indians, and the Columbia River Inter-Tribal Fish Commission/Confederated Tribes of the Umatilla Indian Reservation.

The results of today’s poll are as follows:

Agency	TMT Representative	Polling response
Army Corps of Engineers	Doug Baus	Object
Bonneville Power Administration	Tony Norris	Object
Bureau of Reclamation	Eric Rothwell	Object
NOAA Fisheries	Claire McGrath	Abstain
US Fish & Wildlife Service	Dave Swank	Abstain
Washington	Charles Morrill	Support SOR; Object to AA decision and Elevate
Oregon	Erick Van Dyke	Support SOR; Object to AA decision and Elevate
Idaho	Jonathan Ebel	No Objection
Montana	Absent	
Nez Perce Tribe	Jay Hesse	Support SOR; Object to AA decision and Elevate
Umatilla Tribe	Tom Skiles	Support SOR
Colville Tribe	Absent	
Warm Springs Tribe	Absent	
Kootenai Tribe	Absent	
Spokane Tribe	Absent	

Official comments and clarifications on polling responses for the record:

NOAA: NOAA’s opinion has been captured previously in the BiOp and TMT notes. McGrath had no additional comments to add.

OR: OR believes this SOR will “turn the ship in the right direction.” Van Dyke supports the SOR and objects to the Action Agencies decision to not implement, with elevation to RIOGOR is not supportive of turning dams into storage spaces. Zero generation changes the river system and moves things in the wrong direction when things are already bleak. He believes the needs of the fish are not being addressed in this forum/process.

WA: Morrill commented that as a conservation agency, WA supports the SOR. His agency believes the SOR addresses conservation concerns, particularly as it relates to protecting and preserving species. Morrill added that fish managers and the Action Agencies seem to lack the ability to effectively monitor the impacts of the operation.

Corps: This SOR is a limitation on the operation included in the proposed action and consulted on in the BiOp.

USFWS: USFWS does not have any data to change the conclusion it gave in the BiOp.

Nez Perce: The Tribe supports this SOR and wants to restore river conditions that anadromous fish need as well as fish passage for adults and juveniles. He noted substantial numbers of fish are still moving through the system. The Nez Perce object to the Action Agencies rejection of the SOR and will elevate to RIOG. The Tribe’s position is that completely stopping river flow is an unacceptable impact to anadromous fish behavior and passage. He considers the zero generation operation an insult to marine ecology as a whole. He also added that his agency is concerned about the frequency that zero generation may be implemented. The criteria described in the ROD are 1 out of 3 days, which he says were routinely exceeded. The intent of the Action Agencies implementation is a 30% rule from what Hesse is hearing, not as the 1 out of 3 days described in the documents. He is concerned about this. Lastly, he voiced concern about the Action Agencies rationale for rejecting the SOR. He believes TMT is the place to make adaptive changes to the operations. The Action Agencies response has Hesse confused about the adaptive process.

BPA: BPA expects to implement zero generation per the guidance in the BA with frequency typical of historical use. This was included in the proposed action and it was analyzed by NOAA and USFWS in the BiOps.

Next Steps:

The Action Agencies will implement the zero generation operation similar to last year. The Action Agencies will follow the default operation in the 2020 CRS Biological Assessment and the 2020 BiOps by NOAA and USFWS. The operation can begin as early as October 15 and expected use will be similar to last year as well as past use. BPA utilizes zero generation when there is a clear benefit to the region’s ratepayers. Norris reminded the TMT that there was a cold snap early in the season last year that caused zero generation to be used more frequently. The SOR will not be implemented.

Following today’s poll and decision from the Action Agencies, Jay Hesse, Nez Perce, Erick Van Dyke, OR, and Charles Morrill, WA, “object with elevation” to the Action Agencies’ decision. This will elevate the conversation to RIOG.

NOAA added that when the operation is implemented that BPA report at each TMT meeting and include more than a generation report. NOAA would like to see information on the days zero generation was implemented, the average length of time (hours per day), and the number of consecutive days of implementation. This will allow co-managers to monitor the situation in real time, she said. Norris said the data are readily available on the Corps website and that BPA can create graphs and summaries for each TMT meeting. NOAA would also like to TMT to follow-up on the Action Agencies’ rationale for rejecting the SOR (as originally noted by Hesse). The BiOp was written to fulfill requirements of ESA Section 7 but is not the only process for protecting anadromous fish and their recovery, she noted.

Today’s Attendees:

Agency	TMT Representative
Army Corps of Engineers	Doug Baus (Chair), Lisa Wright, Julie Ammann
Bonneville Power Administration	Tony Norris
Bureau of Reclamation	Eric Rothwell
NOAA Fisheries	Claire McGrath
US Fish & Wildlife Service	Dave Swank
Washington	Charles Morrill
Oregon	Erick Van Dyke
Idaho	Jonathan Ebel
Montana	Absent
Nez Perce Tribe	Jay Hesse
Umatilla Tribe	Tom Skiles (CRITFC)
Colville Tribe	Absent
Warm Springs Tribe	Absent
Kootenai Tribe	Absent
Spokane Tribe	Absent

Other Attendees (non-TMT members):

Corps – Alexis Mills, Aaron Marshall, Chris Peery
 DS Consulting – Emily Stranz (Facilitator), Colby Mills
 BPA – Melissa Haskin (Notetaker)