

COLUMBIA RIVER TECHNICAL MANAGEMENT TEAM

January 26, 2022

Facilitator's Summary

Facilitation Team: Emily Stranz & Colby Mills, DS Consulting

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/2022/>. Suggested edits for the summary are welcome and can be sent to Colby at colby@dsconsult.co.

System Operational Request: 2022-1

Following the introduction and discussion of SOR: 2022-1 at the January 19 TMT meeting, Action Agencies requested additional time to discuss the SOR internally and prepare a response. The SOR sought further clarification on zero generation operations of the four Lower Snake River dams.

Action Agency Response

Tony Norris BPA, reported the official response from AAs (posted to the TMT website). AAs estimate the expected future use of zero generation on the lower Snake River projects to be consistent with the historical use during the period since 2004, and as modified in the litigation stay agreement (see Term Sheet link below). This use can range from several consecutive days of use to very little use across the 4 Lower Snake River projects during the period of available days and hours as described in the Water Management Plan (WMP).

Regarding the final sentence of the Conclusion within the AAs' response, it was stated that the AAs, "will not entertain future SORs or requests that seek only to revisit prior operations agreed to in the Term Sheet," Tony clarified that this does not preclude SORs that have new information or are in response to in-season conditions that could benefit from adaptive management. However, AAs will not entertain SORs that revisit prior operations agreed to in the [Term Sheet](#).

Additional TMT Questions & Comments

It was clarified that the SOR did not request a change in operation, instead, it requested clarifying language on the sideboards that AAs anticipate for the frequency of implementation of zero generation operations. The intention of the clarification is to help manage expectations of the frequency of the operation. Co-managers were appreciative of the clarification that the AAs' response provided, however, there were still some areas that they felt needed more clarity.

Charles Morrill, WA, noted that specifically co-managers are looking for clarification on the existing language (in the AAs' Proposed Action) of "1 out of every 3-5 days," and sideboards, emphasizing that from some co-managers' perspective, this statement does not accurately reflect what is being implemented. Tony noted that zero generation is used with flexibility when power market and river conditions are conducive to its use. He noted that from the AAs' perspective, it is within historical range to use zero generation operations on consecutive days, and they do not have a daily limit. Jay Hesse, Nez Perce Tribe, acknowledged that BPA's scale for measuring is multi-year averages, which Tony confirmed. Jay expressed that from the Nez Perce Tribe's perspective, there are differing descriptions in the various guiding documents and revising language would be helpful.

Claire McGrath, NOAA, also noted that in their analysis, NOAA assumed that zero generation operations would be consistent with historical use and will continue to be applied when market and river conditions warrant. This assumes that market and river conditions do not experience any significant changes - which NOAA has not seen to date.

It was noted that the effects of the operation on the river ecosystem is a concern for fish managers, however, they are unable to evaluate effects because there are no monitoring systems in place. However, fish managers are concerned with ponding the riverine system, as it is generally bad for fish movement. (Jay pointed out that this SOR

does not address the biological effects and Claire McGrath, NOAA, pointed those interested to the September 15, 2021 TMT meeting minutes for description of how NOAA analyzed potential effects.)

There was discussion on the condition of the river during zero generation operations. Tony noted that the river is still flowing, as the slope and length of the system allows for water to stop passing a project but continue to flow downstream to the next project. Jay reflected that water flow at the project stops during the operation, as does fish passage through the project.

Individual TMT members provided the following thoughts, requests and concerns:

- Charles noted the clarification of intent in the AA’s reply up to the concluding paragraph was well done, clear and appreciated, however the concluding paragraph from WA’s perspective was not helpful nor did it provide any helpful clarity going forward.
- Erick Van Dyke, OR, expressed concerns that the Columbia River system is completely altered, water transit times are slowed by projects, and further slowed by the zero generation operations. This creates a lake environment and distorts a traditional river system. Erick also noted that he appreciated the discussion.
- Dave Swank, USFWS, expressed appreciation for the added clarity in the AAs’ response.
- Kirk Truscott, Colville Tribe, expressed concern around the vagueness of “historical use” and the fact that the upper end of use is unknown.
- In regards to the possibility of modifying the “1 out of every 3-5 days” language, NOAA does not intend to request further clarification; if TMT members want to make that request of NOAA it would need to be at the Policy level.
- As the Nez Perce Tribe was not present for the official SOR polling at the January 19 meeting, Jay reported that the Tribe supports SOR: 2022-1 which seeks clarification on the operational use of zero generation. While the AAs’ written response to the SOR does provide some clarity, some language is problematic, and the Tribe is unsatisfied with the AAs’ response. Jay noted that the Tribe will likely draft a written response to address the problematic areas and will not elevate the issue to RIOG.
 - The Umatilla Tribe, WA, OR, and the Yakama Nation supported this statement.Jay asked for further clarification on the last sentence of the AA response Conclusion, noting that this SOR does not address terms within the Term Sheet.
- Jonathan Ebel, ID, noted ID’s discomfort with the final sentence of the AAs’ response Conclusion; he noted that that not all member sovereigns are signatories of the Term Sheet and may not be familiar with the content (*Facilitator’s Note*: during editing, Jonathan clarified that the content of the Term Sheet is known, but not the private discussions that lead to that content). Additionally, there are operations, such as spring spill, that are mentioned in the Term Sheet that the TMT may need to adaptively manage. Jonathan did not signal an elevation, however, will consider how productive an elevation would be at this time.
 - Tony clarified that AAs are not intending to shut down technical discussions on operations, and that if new information or in-season conditions warrant operational changes, SORs will be considered. Pre-coordination on SORs may be necessary to ensure that the intent is clear for all.
 - **ACTION**: Tony will relay to the BPA Policy team the input that he has heard from TMT partners regarding further clarification and concerns with the Conclusion. If there are additional language changes, Tony will bring that back to TMT.

Questions or 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 February 2, 2022, at 9:00 AM.

Columbia River Regional Forum

Technical Management Team

OFFICIAL MINUTES

January 26, 2022

Minutes: Melissa Haskin, BPA (contractor, FLUX Resources)

Today's unscheduled TMT meeting was held via conference call and webinar, chaired by Doug Baus, Corps, and facilitated by Emily Stranz, DS Consulting. The purpose of today's meeting was to hear the Action Agencies response to SOR 2022-1 (presented at the last TMT) and go over next steps for the SOR. A list of today's attendees is available at the end of these minutes.

1. Action Agencies Response to System Operational Request: 2022-1

Recap of SOR 2022-1:

SOR 2022-1 was discussed and polled on at the last TMT meeting. For a full recounting of the original SOR and the discussion that happened before and after polling, please see the official meeting minutes from the 1/19 meeting, available on the TMT website. As a reminder, the original SOR called for a change to zero generation operation guidance language. Signatories of the SOR include Columbia River Inter-Tribal Fish Commission/Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, Spokane Tribe of Indians, Yakama Nation, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife. At last week's meeting, the Action Agencies chose to abstain from the poll temporarily to consult internally and evaluate the SOR.

Action Agencies Response:

The Action Agencies have posted their response to SOR 2022-1 on the TMT website. The document outlines how the Action Agencies evaluated the SOR. Importantly, the Action Agencies have concluded that they decline to modify the operation. BPA expects to use zero generation flexibility in the lower Snake River in a manner that is estimated to be consistent with historical use since 2004.

Questions and Comments from TMT members and Agencies:

After Tony Norris, BPA, presented the Action Agencies' response, Emily Stranz, DS Consulting, opened the floor for comments and questions from TMT members and agencies. The bulk of these comments and questions fell into 4 categories:

1. Concern about what historical use means

Both Jay Hesse, Nez Perce Tribe, and Kirk Truscott, Colville Confederated Tribes, pressed Norris for further clarification on expected use. Hesse asked for clarification on the definition of a multi-year average. Both tribal representatives wondered if there was an upper limit on use.

Norris replied that in the past, BPA has used zero generation flexibility when market conditions were conducive. Historical use has included multiple days of use of zero generation. The most the operation has been used since 2004 is 66% of the available days. It has never been used continuously for an entire season. While it is technically possible, it is incredibly unlikely. At this time, BPA does not plan to put a cap on the number of days or hours that it will implement

zero generation operations in a given year. Norris also clarified that when BPA looks at historic use, it does not look at anything prior to 2004, which is when operations significantly changed.

2. What the effects of the operation will be on the ecosystem

Brian Marotz, MT, echoed his comments from the last TMT meeting, noting that he is unclear of the impacts of this operation on the ecosystem. He wondered how the region could assess the ecosystem effects, particularly because the Action Agencies noted in their response to the SOR that “SOR proponents identified no fish impacts or new information that would justify adaptively managing or modifying operations.” Tom Lorz, Columbia River Inter-Tribal Fish Commission/Confederated Tribes of the Umatilla Indian Reservation, replied to Marotz noting that almost all available methodology is shut down. The JBS is out of service, as are most fish ladders. Lorz noted that fish managers do not know the biological effects of the operation, but that making a river stagnant is not conducive to migrating fish. He said quantifying that is impossible without data.

Norris commented that it is a myth that the river stops during zero generation. Water continues to flow between the projects, since there is a downward slope to the next project, he noted. While water is not passing the project, it is still moving between the projects, he said.

3. Confusion about what is in the Term Sheet

Jonathan Ebel, ID, commented that the Term Sheet was negotiated before he came on board. Likewise, Charles Morrill, WA, commented that WA was not involved in the agreement. While information regarding discussions that led to the Term Sheet may not be available, the Term Sheet itself is a public document available on the TMT website¹.

4. Questions regarding the last written sentence in the Action Agencies’ conclusion section of their SOR response.

The last sentence of the SOR’s conclusion statement reads, “... *for the 2022 operational season, we will not entertain future SORs or requests that seek only to revisit prior operations agreed to in the Term Sheet.*”

This sentence caused some uneasiness among salmon managers. Some managers were concerned this would shut down any in-season SOR that related to the Term Sheet. Others wondered where the line would be drawn and what would be considered a prior operation. Ebel asked how broadly the statement would be interpreted.

Norris shared that if the Action Agencies receive a SOR based on new information or in-season information that would warrant consideration for an operational change, then the SOR would be considered under the umbrella of adaptive management. He clarified that the Action Agencies do not intend to implement SORs that simply revisit agreed upon operations in the Term Sheet.

Stranz clarified that what she was hearing was not an attempt from the Action Agencies to shut down TMT technical conversations regarding in-season operations but an attempt not to visit agreed-upon operations in the Term Sheet. If necessary, should there be confusion, this can be visited during TMT pre-coordination meetings.

¹ http://pweb.crohms.org/tmt/JointMotion_TermSheet_CourtOrder_OCT2021.pdf

Other Comments:

- Morrill thanked the Action Agencies for their response and said that he thinks the document provided by Norris does add clarity as to the intention of the zero generation operation. That said, he was looking for clarification specifically on the “1 out of 3 days” wording and still thinks that is necessary.
- Hesse has concerns about the operation as a whole and the robustness of the evaluation that was included in the BiOp.
- Dave Swank, USFWS, added that changing the language may help manage expectations.
- Claire McGrath, NOAA, directed TMT members and agencies to the September 15, 2021 TMT minutes, which include a more robust discussion of the biological effects and how NOAA evaluated them. That said, NOAA does not have biological concerns regarding the current implementation of zero generation operations. NOAA is monitoring the operation and does not believe it is outside of the sideboards of what NOAA interpreted and evaluated in the Biological Opinion. Thus far operations have been consistent with the past and so the question would be: *Are river and market conditions going to change in a way that the Action Agencies would apply the operation differently than they have in the past?* NOAA has not observed that.
- Some people have asked if NOAA plans to write a clarification letter. NOAA does not plan to do so at this time. If people would like NOAA to write a letter, they should ask at the policy level, she added.

Next Steps and Summary:

The Action Agencies do not intend to implement the SOR. No further action on the SOR is necessary at this time. The next scheduled TMT meeting is on February 2, 2022 at 9 a.m.

Today’s Attendees:

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

Other Attendees (non-TMT members):

Corps –Dan Turner, Willow Walker, Alexis Mills, Jon Roberts
DS Consulting – Emily Stranz (Facilitator), Colby Mills
BPA – Melissa Haskin (CONTR, FLUX Resources, Notetaker)
Oregon DEQ – Marilyn Fonseca
Clearing Up – K.C. Mehaffey
Columbia Basin Bulletin – Mike O’Bryant
Douglas County PUD – Andrew Gingerich