

**PACIFIC FISHERY MANAGEMENT COUNCIL**

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October 8, 2004

Ms. Joyce Howard  
National Marine Fisheries Service  
525 NE Oregon Street  
Portland, Oregon 97232

Re: September 9, 2004 draft Biological Opinion on the operations of the Federal Columbia River Power System

Dear Ms. Howard:

In response to the request for co-manager comments sent September 9, 2004, the Pacific Fishery Management Council (Council) would like to comment on the referenced draft Biological Opinion regarding the operations of the Federal Columbia River Power System (FCRPS). Our comments are based on discussions held at the September 13-17, 2004 Council meeting in San Diego, including deliberations by the Council's Habitat Committee, comments generated by the typical Council process and dialogue on the Council floor. Due to the short comment period, we offer only broad comments of general principle; we will be happy to send more detailed comments of technical nature at a future date if provided the opportunity.

The Council is seriously concerned about policy changes in the draft Biological Opinion, as Columbia River salmon populations are very important to fisheries under the jurisdiction of the Council. For example, Snake River fall chinook are currently a key stock that constrain West Coast salmon fisheries, with significant negative impacts to fishing families, fish processors, and the economies of coastal communities.

The Council's essential comment is that the foundational approach of the Biological Opinion is flawed. The Council feels the proposed environmental baseline, which includes the existing hydropower system and much of its operation as an existing condition beyond Action Agencies discretionary action and, therefore, not subject to consultation under the Endangered Species Act, is an inappropriate basic approach from both scientific and policy perspectives. Development and operation of the FCRPS over the past seven decades coincides with the decline of many salmon population groups in the Columbia River Basin. Data within the Biological Opinion indicate that the FCRPS currently has mean mortality rates of 86% on downstream migrating juvenile Snake River fall chinook and 20% on upstream migrating adult Snake River fall chinook. There is no question that FCRPS operations are a significant causative factor in Endangered Species Act listings; they should be more fully considered for adjustments as a solution for recovery in any final Biological Opinion.

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It is our understanding the draft Biological Opinion concludes that the base mortality rates do not jeopardize the continued existence of Snake River fall chinook and requires only that certain operational actions of the FCRPS do not appreciably reduce the survival rates compared to the baseline conditions. The policy of treating most mortality associated with the FCRPS as an existing baseline condition serves to shift the responsibility for decline and recovery to other sectors, such as fisheries and hatchery operations. Fisheries, many of which pre-date FCRPS development, could easily be viewed as existing conditions by many. Hatcheries built to mitigate lost or substantially reduced populations resulting from FCRPS development could also be viewed as existing conditions. Clearly, the policy choice of including most of the FCRPS operations as part of the environmental baseline raises new questions of equity between the various sectors of human-induced mortality on Endangered Species Act-listed populations.

Finally, we stand ready to assist in the completion of the Magnuson-Stevens Fishery Conservation and Management Act and Essential Fish Habitat consultation section of the draft Biological Opinion, which were not available in the September 9, 2004 draft.

Thank you for the opportunity to comment. Please feel free to contact Dr. Donald McIsaac at the Council office if you have any questions.

Sincerely,



Donald K. Hansen  
Chairman

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c: Council Members  
Habitat Committee  
Salmon Advisory Subpanel  
Salmon Technical Team