

Askren, Dave - EWI

From: Kinsey, Bill - LN & LT
Sent: Wednesday, February 17, 1999 11:42 AM
To: Askren, Dave - EWI
Subject: FW: B.A. Work Group Update: 2/16/99 BPA-COE-BOR Telephone Conference

From: Kinsey, Bill - LN & LT
Sent: Tuesday, February 16, 1999 1:19 PM
To: Bodi, Lorri - A; Smith, Alexandra - E; Lohn, Bob - EW; Alton, Charles - ECP; Whitney, Carolyn A - PL
Cc: DANIEL DALEY; JAMES GEISELMAN; JEFFREY GISLASON; MARK SHAW; PHILIP THOR; Robert AUSTIN; ROGER SCHIEWE; RONALD MORINAKA; SARAH MCNARY; SCOTT BETTIN; WILLIAM KINSEY; WILLIAM MASLEN
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Importance: High

Privileged & Confidential Attorney-Client Communication

The Biological Assessment Work Group joined a telephone conference with COE (Witt Anderson, Ponganis, Lear) and BOR (Richard Prang, McKown) to discuss preparation of a biological assessment. Pertinent points follow.

- * We prefer a B.A. that
 - covers multiple species (listed and proposed-for-listing under the ESA);
 - includes and takes credit for measures that we support, even if the measures are in other Hs;
 - includes projections or assumptions about actions/improvements by others in the 4 Hs.
- * Completion of a draft B.A. on or about June 10 is an aggressive undertaking and requires proactive coordination and management among the three agencies. Our next step among the three FCRPS action agencies is a meeting on Wed., Feb. 24, at 9 A.M. at COE, probably Rm. 118. Each agency will bring to the meeting a description of the "programs" (not necessarily particular projects or measures) it wants to include in the B.A. (E.g., COE wants to consider whether to include projects on Columbia River tributaries such as the Willamette). We will also identify interim steps needed to achieve a draft B.A. in June.
- * We will give periodic progress reports at meetings of the Federal Caucus. At the Caucus meeting on Feb. 18, Witt Anderson will convey the preceding two points.
- * COE's Ponganis is receptive to the more comprehensive B.A. discussed above. However, until recently, he had anticipated a B.A. of the same scope as the Lower Snake Feasibility study. COE has already planned to contract with Foster Wheeler (phonetic spelling) to prepare a B.A. on the narrower scope. We could possibly use the contractor as a resource for the broader scope.
- * BOR's McKown was concerned that the FCRPS action agencies' claim of credit for actions outside Federal projects, such as the 427 kaf in the Upper Snake, would prevent irrigators from claiming this water as part of their efforts to avoid jeopardy. I responded that irrigators could still point to their participation in providing the 427 kaf. The FCRPS action agencies simply wanted to claim credit for all the actions they support in order to improve their ability to avoid jeopardy. The important need is that all actors make sufficient improvements to enable avoidance of jeopardy.
- * We had some difference in opinion as to whether the B.A. would analyze a single proposed

action or analyze alternative actions or scenarios and how the B.A. can benefit from the green paper.

- After the telephone conference, BPA's B.A. Work Group discussed this matter in more detail. As expressed in the previously distributed table of contents, I and perhaps others had anticipated that the B.A., even if it proposed a particular action, would analyze more than one scenario of actions across the 4 Hs. The alternative scenarios could be those identified in the green paper. This approach would enable the action agencies to write about drawdown even if they did not propose drawdown. Others anticipate that the green paper will include analyses of alternative scenarios and enable Federal agencies (the FCRPS action agencies, the Caucus?) to select a single scenario for proposal and analysis in the B.A. This approach would not require as much work to complete a B.A. Either approach has advantages and disadvantages.

- We (the B.A. Work Group) understand that the Caucus anticipates completion of a Green Paper, with identification and analysis of various options in each of the 4 Hs, by April 26. Completion of adequate analysis to enable selection of a particular scenarios appears overly optimistic. Consequently, I believe we should be ready to proceed with the B.A. in the event of delay or lack of completion of the green paper. This is possible if BPA reps in the green paper process are active participants. The work they perform on the green paper can serve as a foundation for work on the B.A. In essence, contributions to the green paper also constitute contributions to the B.A. that the B.A. can use even if the green paper encounters difficulties.

- To ensure coordination within BPA and enhance coordination with the FCRPS action agencies, we could discuss this matter with you further during a Fish Strategy meeting or a B.A. Work Group meeting. The next regularly scheduled B.A. Work Group meeting is Tuesday, March 2, at 9 A.M. in Rm. 748