Overview:
2010 Supplemental FCRPS Biological Opinion (Supplemental BiOp)

Background:

In 2008 NOAA issued a 10-year Biological Opinion for the Federal Columbia River Power System (FCRPS) that recommended a reasonable and prudent alternative (RPA) sufficient to avoid jeopardy and adverse modification of critical habitat for 13 species of salmon and steelhead affected by FCRPS operation. The RPA outlined an adaptive management framework the Action Agencies will use to develop actions that will improve fish survival to meet BiOp performance standards by 2018. The Action Agencies are the U.S. Army Corps of Engineers, Bureau of Reclamation and Bonneville Power Administration.

The Biological Opinion has been the subject of continued litigation.

After the Obama Administration reviewed the BiOp in 2009, NOAA and the Action Agencies jointly developed an Adaptive Management Implementation Plan (AMIP) that specified additional measures, research and monitoring to strengthen the actions in the original 2008 BiOp. The AMIP outlined a more precautionary and proactive approach to protect against uncertainties, including the effects of climate change that may affect salmon, steelhead and their habitat. NOAA found that implementation of the 2008 RPA as called for by the AMIP was consistent with legal and scientific standards.

In a February 2010 letter, the Court encouraged the federal agencies to revisit the BiOp under a voluntary remand to formally integrate the Adaptive Management Implementation Plan developed last fall into the Biological Opinion and its RPA. This three-month process began in February and included a thorough review of any new scientific information and reexamination of the conclusions in the original 2008 BiOp.

2010 Voluntary Remand

NOAA and the Action Agencies took several steps to complete the remand. First NOAA and the Northwest Fisheries Science Center identified relevant science that has become available since the 2008 BiOp was issued. NOAA also asked states, tribes and other parties to the litigation to review NOAA's initial list of scientific references and to identify additional science NOAA should evaluate. NOAA further requested that the Independent Scientific Advisory Board recommend any additional references. NOAA also received comments from three independent scientists who reviewed and assessed earlier critiques of the AMIP.

A review of the science found only modest changes in the science previously considered during development of the 2008 BiOp and AMIP. Some of the new information included updated adult returns data, further information about cormorant predation on fish, and more details on the possible biological effects of climate change. During the remand, the Action Agencies formally requested that NOAA Fisheries reinitiate

consultation on the 2008 FCRPS BiOp to assess the implications of this new information and develop an appropriate response. There were no major surprises. The new data and information generally falls within the natural variations anticipated by the Biological Opinion. The analysis confirmed that the Biological Opinion, as strengthened by the AMIP, provided the right framework to develop and implement effective actions for fish, while simultaneously recognizing natural variability and adapting to new science that emerges.

2010 Supplemental Biological Opinion

The 2010 Supplemental BiOp summarizes and assesses the relevant new information. This information led NOAA (together with the Action Agencies) to develop six new actions to further identify and protect against the uncertainties caused by climate change, toxics, invasive species and hatchery fish. These actions supplement those already outlined in the AMIP, and will be added to the 2010-2013 Implementation Plan. These actions augment climate change monitoring and evaluation in the RPA and AMIP by expanding monitoring of potential problems associated with increasing river temperatures and other expected impacts of climate change. The actions will ensure that the agencies promptly detect impacts of climate change and take effective steps to address them. The supplemental actions also address concerns raised during consultation about the impacts of toxics, invasive species and hatchery fish on protected salmon and steelhead. The 2010 Supplemental BiOp amended the AMIP to include these six additional actions in light of the new information, integrated the AMIP as amended into the 2008 RPA; which in turn was integrated into the 2010 Supplemental BiOp.

Conclusions

Two years into its implementation, the 2008 FCRPS BiOp remains consistent with the new information that has emerged. The region's concerted efforts to protect salmon are appropriately precautionary and on course. The BiOp anticipated the kind of short-term variations in fish numbers documented in the data. The BiOp's adult survival standards provide assurance that these variations will be monitored and addressed, as necessary. The agencies are well-positioned to identify and respond to effects of climate change or other factors that fall outside the expected variation. With NOAA's support, the Action Agencies remain committed to meeting the clear performance standards and survival improvements specified in the BiOp.

In summary, NOAA Fisheries finds that the 2010 Supplemental BiOp, which integrates the 2008 RPA and the AMIP, as strengthened during this remand, ensures that operation of the FCRPS is not likely to jeopardize the continued existence or destroy or adversely modify the critical habitat of Snake River spring/summer Chinook, Snake River fall Chinook, Snake River steelhead, Snake River sockeye, middle Columbia River steelhead, upper Columbia River spring Chinook, or upper Columbia River steelhead. NOAA also reconsidered and affirmed the determinations reached in 2008 for lower Columbia River salmon and steelhead, green sturgeon, and Southern Resident Killer Whales. The 2010 Supplemental BiOp is legally and biologically sound, and provides strong protection for Northwest salmon and steelhead.