

COLUMBIA RIVER TECHNICAL MANAGEMENT TEAM

THURSDAY, May 11, 2023

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/2023/>. Suggested edits for the summary are welcome and can be sent to Colby at colby@dsconsult.co.

System Operational Request (SOR): 2023-1 – Tom Lorz, Confederated Tribes of the Umatilla Indian Reservation/CRITFC, presented SOR 2023-1 (posted to the TMT website). The SOR is for the benefit of juvenile out-migrating salmonids and requests a change in spill operations following gas bubble trauma (GBT) criteria exceedance that began on May 9. Specifically, the Nez Perce Tribe, Yakama Nation, ODFW, IDFG, WDFW, and CRITFC, request that Performance Standard Spill be suspended at Lower Granite and Lower Monumental while the water quality standard is reduced due to the non-salmonid GBT exceedance below Ice Harbor Dam. Instead, the signatories of the SOR request that the AAs maintain the 120%/115% TDG spill cap for 24hrs/day until the 2023 FOP coordinated spill operations can resume. Additionally, they request that the Corps connect with Washington Department of Ecology (WDOE) to determine if there are alternatives to the spill reductions in the current geographic zones identified in the Monitoring Plan. This is the first exceedance of non-salmonid GBT criterion since spill to the 125% TDG limit started in 2020.

TMT Members were polled on the SOR **as written**:

TMT Member	Polling Response
NOAA	Abstain
Oregon	Support
Washington	Support
Confederated Tribes of the Umatilla Indian Reservation	Support
Corps	Abstain
USFWS	Abstain
Idaho	Support
Nez Perce Tribe	Support
BPA	Abstain
<i>The Confederated Tribes of the Colville Reservation, Kootenai Tribe of Idaho, Montana, Reclamation, Spokane Tribe of Indians, and the Confederated Tribes of Warm Springs were not present to register a polling response.</i>	

Charles Morrill, WDFW, asked that a follow-up email from Paula Calvert, BPA, regarding monitoring questions posed at the May 10 TMT meeting, be considered in the conversation:

USGS has attempted beach seining and electrofishing for non-salmonid sample collection this spring. However, seining has been ineffective for catching non-salmonids and USGS encounters far fewer salmonids electrofishing. For sampling downstream of Ice Harbor on May 9, they used electrofishing for sampling at depths of approximately 0.5m and not deeper than 0.75m. USGS had difficulty locating fish for sample collection; By mid-day they only collected 13 fish. Most of the 106 native non-salmonid fish were collected at a site near the boat ramp about 8 miles below Ice Harbor.

Regarding sampling depth, it should be noted that [Washington Department of Ecology's Rule Implementation Plan](#) states, "Biological monitoring occurring outside of the fish bypass system should focus on relatively shallow areas of the river that have a higher likelihood of TDG related impacts due to limited depth compensation." (p. 8).

Action Agency Decision

Doug Baus, Corps, reported that the Corps is not able to implement the SOR as written, and updated the TMT how the Corps plans on moving forward. Dan Turner, Corps, noted that additional information was received from Washington Department of Ecology following the May 10 TMT meeting, and introduced Chad Brown, WDOE. Chad reported that WDOE reviewed site-specific data to consider flexibility available, within the scope of compliance with the approved Biological Monitoring Plan (BMP). WDOE looked at the non-salmonid GBT data collected downstream of Lower Granite and the data from downstream of Ice Harbor to make a site-specific determination (where information is available). GBT thresholds were exceeded downstream of Ice Harbor and not downstream of Lower Granite. As a result, WDOE advised the Corps that Granite can remain at 125% TDG because the site-specific data show there is no current GBT exceedance based on the samples collected there. Ice Harbor should lower to meet the 120%/115% TDG levels. Regarding Little Goose and Lower Monumental, where no site-specific data are available, WDOE recommends following the objectives and triggers in the BMP. Chad clarified that both salmonid and non-salmonid GBT parameters are used to determine compliance. The BMP does not include tailrace sampling for non-salmonids at Little Goose or Lower Monumental, however, Chad noted that if equivalent data quality standards and protocols were used, WDOE could consider using non-salmonid GBT data collected downstream of those projects in future decision making.

Charles noted salmonid sampling data available on the FPC website: samples from Little Goose on May 5 did not show an exceedance, nor did Lower Monumental on May 3. Ben Hausmann, BPA, noted that those data are older and not from the same timeframe as the samples from Lower Granite and Ice Harbor.

Dan reported that the Corps plans to increase the spill cap at Lower Granite to meet the 125% TDG standard and implement the 16 hours spill cap/8 hours performance standard spill per the FOP. This afternoon at 1600 hours, the spill cap target will change at Lower Granite to 80 kcfs, targeting 125% TDG. There will be no changes (from yesterday's decision) at Ice Harbor, Lower Monumental and Little Goose dams. The Corps is seeking a modification to the BMP to reflect this change to site-specific management. Site-specific data downstream of Lower Granite will continue to be considered while the Corps works with WDOE to revise the approved plan and remain in compliance.

TMT Members were polled on the Corps' revised actions noted above. Some provided additional rationale for their responses:

TMT Member	Polling Response	Rationale (optional)
NOAA	Support	NOAA sees the Corps' logic in this decision, in following their interpretation of the water quality standard as written with the current BMP, and they have agreed to work through details and address regional concerns on a technical and policy level. They're doing what they can within the current regulation.
Oregon	Abstain	Oregon feels the situation is messy and inconsistent. They appreciate the efforts on behalf of all parties, especially the Corps' efforts to work with WDOE and engage them in the process. There is inconsistency in using available information to adaptively manage operations which is concerning to Oregon. The BMP seems to be treated differently depending on where the process is, either rigidly or not; Oregon remains concerned that this plan is not being

		adaptively managed to the extent possible. This change largely focuses on a species that is not listed. Monitoring evaluation needs to be addressed.
Washington	No Objection	Washington appreciates WDOE’s and the Corps’ engagement. They don’t object to the efforts to resolve, and the communication and dialogue to address Fish Managers’ concerns. They recognize the efforts made and that there is not full agreement on how to proceed. Washington agreed with Oregon’s concern from a biological perspective and the need to do the best possible for successful fish migration. This event comes at a time when spill would be highly beneficial to juvenile fish. Washington respects WDOE’s role in the Clean Water Act and its implementation.
Confederated Tribes of the Umatilla Indian Reservation	Abstain	Umatilla appreciates the conversation, there will be continuing discussions and Fish Managers will work within the regional forums as best they can to find a better long-term outcome.
USFWS	Support	USFWS echoed Washington’s appreciation to WDOE and the Corps on their efforts and engagement; noting that it is good to see some flexibility in the regulations, especially as this is the first instance of exceeding the GBT thresholds. There will be more discussion on how to refine this moving forward.
Idaho	Support Action 1; Object Action 2	Idaho supports the Corps returning to the implementation of the FOP at Lower Granite, however, they object to continuing performance standard spill at Lower Monumental. They appreciate the Corps’ TMT representatives committing to asking Corps policy representatives to request flexibility surrounding performance standard spill at Lower Monumental. If this flexibility is granted, Idaho would support this action. The process seems out of balance from a fish perspective, and Idaho would like to have opportunity to provide input on the monitoring plan in the future, as these actions impact fish that migrate to the state.
Nez Perce Tribe	No Objection	Nez Perce’s No Objection is based off the real time situation, not the precedence this sets for process. They appreciate the restoration of the 125% at Lower Granite, and are practically looking at conditions for Lower Monumental. They observe that the regulating process in this is WDOE water quality standard and associating permits; further interaction or response to Fish Manager efforts to balance environmental conditions for all species is much needed in this process. This isn’t being achieved in the current permit guidelines, and this is a challenge for the Corps to implement under those rigid applications. Nez Perce hopes for continued responsiveness and effective engagement with Fish Managers.
BPA	Support	No additional comments.
<i>The Confederated Tribes of the Colville Reservation, Kootenai Tribe of Idaho, Montana, Reclamation, Spokane Tribe of Indians, and the Confederated Tribes of Warm Springs were not present to register a polling response.</i>		

Following detailed discussion and clarifications among TMT Members, the Corps committed to:

- **ACTION:** Julie and Dan will share Fish Managers’ input with the Corps’ policy team, specifically, that the Fish Managers request that the Corps reach out to USGS and WDOE respectively to: A) consider what opportunities there are for additional non-salmonid monitoring to be implemented downstream of Lower Monumental and Little Goose and; B) Changing operations at Lower Monumental to 120%/115% all times, with no performance standard blocks.

The Corps will move forward with the following implementation:

1. Starting at 1600 hours today (or as soon as able), Lower Granite will change back to 125% TDG operations during gas cap spill hours (16 hours/day);
2. 120%/115% plus performance standard blocks operations will continue at Lower Monumental and Little Goose dams. Ice Harbor will continue 120%/115% gas cap operations.

The Corps will discuss additional flexibility with policy and will revise the Spill Priority List to reflect these changes.

Questions and Comments from Members of the Public – Tom Iverson, Yakama Nation (SOR signatory), noted that the SOR was quickly put together late in the day yesterday, and the progress today demonstrates good adaptive management and responsiveness. He appreciated the Corps' efforts and WDOE's commitment to engage on this issue. Tom emphasized that the response to non-salmonid GBT is not commensurate with the impact; there is a localized impact on sculpin below Ice Harbor Dam, and resulting operations are shutting down hard fought protections for every listed salmon coming out of Idaho. He acknowledged and appreciated WDOE's recognition that there are data below Lower Granite, so that protection can be reinstated and suggested that this highlights the significant need for monitoring in each reach of the river to ensure maximizing protections for salmon. Tom encouraged the Corps to pursue removing the performance standard spill from the monitoring response. The intent is to optimize benefits to salmon while minimizing impacts to native/resident fish.

The next regularly scheduled TMT meeting is on May 17, 2023, at 9:00 AM.

**Columbia River Regional Forum
Technical Management Team
OFFICIAL MINUTES
Thursday, May 11, 2023
Minutes: Andrea Ausmus, BPA (contractor, CorSource Technology Group)**

Today’s unscheduled TMT meeting was held via conference call and webinar, chaired by Doug Baus, Corps, and facilitated by Emily Stranz, DS Consulting. A list of today’s attendees is available at the end of these minutes.

An unscheduled TMT Meeting was held on Thursday, May 11 @ 2pm to coordinate System Operational Request (SOR) 2023-01, “Spill Operations Following GBT Criteria Exceedance,” dated May 10, 2023.

1. System Operational Request (SOR)

a. SOR 2023-1, *Tom Lorz, Umatilla/CRITFC*

There was an exceedance on GBT criteria in the Biological Monitoring Plan, in response there was to be a decrease in project spill operations.

Salmon Managers were concerned about the plan given that this is the peak of migration outrun season migration and a reduction would not be in the best interest of a juvenile ESA-species standpoint.

Salmon Managers came together first to ask what flexibility or operations in coordination with Ecology that they could modify to reduce the impacts.

The Salmon Managers had the suggestion to not implement the Performance Standard Hour Operations at two locations.

They have justifications in the SOR as to why they are asking for this operation.

At the bottom is a table of the different levels of spill where they would expect to see by going to what is in the FOP and then what would be seen by going to the reduced spill operation.

b. Polling on SOR 2023-1

Stranz asked if there was additional need for conversation about SOR 2023-1. There was no additional conversation needed so they moved on to polling following the SOR guidelines.

Polling Options: *Support / Object / Not Objection / Abstain*

NOAA: Abstain

OR: Support

WA: Support

Umatilla: Support

Corps: Abstain*

USFWS: Abstain

ID: Support

Nez Perce: Support

BPA: Abstain**

**do not support – new information*

***do not support – defer to the Corps*

The Corps did not support, per the polling guidance later in the meeting they will take the opportunity to talk about some new information that has come to their attention and coordinate with TMT their planned path moving forward.

Stranz asked given there was conversation on this topic yesterday, if there was anyone that felt that they needed to offer additional perspective on the SOR. If not then they could move one to look at what the Corps had available.

Tom Lorz, Umatilla, said that it would be wise to find out what the Corps can do and then move on from there.

Charles Morrill, WA, said that he had an interesting email from Paula Calvert about the sample that was collected and he felt that it makes a unique sample. He asked that the email be shared with the group prior to the discussion. Early in the morning, they only had 15 fish and it appears they found that the rest of their samples from one location and it was a unique finding. He said it does not change the results but it points to the locality of the specifics of the findings and the results and the actions.

c. The Corps: New Coordination

Doug Baus, Corps, said as identified in their polling response the Corps abstained. As described in their flowchart, Provision 4-B, it talks about when they cannot implement what is in the SOR then they will give an update to the TMT on how they plan on moving forward. Baus passed it over to Dan Turner, Corps, to give the report.

Turner shared that he was in communication with Washington Department of Ecology's Chad Brown through email. Turner felt that Brown himself might better present the information in the email, so Turner invited him to come speak to the information in the email about how they will be moving forward.

Brown summarized the email by saying that he heard from a member of TMT to look at flexibility to still comply with the rules (as Ecology sees it) but have some flexibility in the Biological Monitoring Plan and the actions taken to reduce spill and when that is necessary. Ecology reviewed site-specific data and made a determination that differs from the kind of action that Ecology approved in the Biological Monitoring Plan.

- Ecology feels it is prudent to consider looking at the collected sample downstream of Lower Granite versus the data collected of the other location downstream of Ice Harbor and make a site-specific determination by dam, where they have the information, given that downstream of Ice Harbor is where the GBT thresholds were shown wholly, and they were not shown in the Lower Granite downstream location. They advised the Corps that because of the site-specific information and the situation that they had not anticipated when they designed the monitoring and the operations that would occur that Lower Granite can remain at 125% TDG, because the site data is showing that there is not current exceedance from those samples collected there.
- Ice Harbor should lower to meet the rules, the 120%/115% fish passage levels.
- Little Goose and Lower Monumental, because there is no data from those sites, Ecology will continue to recommend following the objectives of the Biological Monitoring Plan and operations given those threshold triggers. Ecology does not recommend Little Goose and Lower Monumental to stay at 125% TDG. They do not have the information to say that the standard would be met if they were to increase.

Morrill said that there is information on the FPC website that may be critical to the discussion that is going on. Morrill said that he thinks that the information is critical to the discussion. Morrill said that FPC website¹ shows that Little Goose May 5, 2023 does not show an exceedance in GBT. It does not show an exceedance for Lower Monumental either. Morrill said that he is not sure if Ecology looked at this information but Brown had said that they do not have data from the other two projects. Morrill said that they do and it is available on the FPC website, with the salmonid information. He wanted to make sure that people are aware of that.

Turner asked if Morrill was referring to salmonid or non-salmonid data because the type of data might change things.

Morrill said that Lower Granite samples non-salmonids, same as Little Goose and Lower Monumental. He said that the FPC website has data for Little Goose and Lower Monumental for May 5 that shows no exceedance of GBT.

It was noted that the FPC website only includes salmonid data.

Ben Haussmann, BPA, said that he had been looking at that data as well, but none of the data were recent. All of it is a week old. He said while it is something, it is not the same type of data that Turner is presenting.

¹ <https://www.fpc.org/currentdaily/gbtsumbybatchdate.pdf>

Brown clarified some of his statements so that Morrill can understand what he is referring to. To comply with the rule of the biological thresholds, both the audit monitoring and the non-salmonid monitoring must be in compliance. Specifically, he referred to what triggered this event was the non-salmonid monitoring and because of the design of the plan they do not have downstream tailrace sampling for non-salmonids. That is why they are not making the same decision with Lower Monumental and Little Goose and they are recommending for Lower Granite.

Turner told Ecology that the Corps thanked them for their feedback.

Turner outlined the new operation plan:

- Take the spill cap at Lower Granite back to 125% TDG for 16-hours spill cap, and resume 8-hour Performance Standard at the Lower Granite Dam
- The Corps will be seeking as quickly as possible a modification to the plan to reflect the site-specific data downstream of Lower Granite to revise the plan and revise the approval. They have reached out to the services to get the head nod that the Corps logic makes sense.
- This afternoon (May 11, 2023), the Corps are changing the spill cap target at Lower Granite at 1600 hrs and it will go back to 80 kcfs targeting the 125% TDG.
- No changes from yesterday at Ice Harbor, Little Goose, and Lower Monumental. They will continue from the stated operations from yesterday.

Stranz outlined the process moving forward. There can be questions and comments on the operation that Turner outlined and then the group will do a polling on it.

Hesse asked Brown if they were able to get non-salmonid data below Little Goose and Lower Monumental would it be taken into consideration for a similar application to the data that exists.

Brown said that it is a possibility; they would have to follow the same protocols. There is a no description in the rules that requires which entity collects the information, but it would have to be quality data and follow similar protocols so that it is comparable to the data that they have developed. It is something that they could consider. Brown said that it is an idea that he had not thought of prior to the meeting so these are just his preliminary thoughts.

Hesse posed his question to Stranz so it follows the correct process. He asked to understand the Action Agencies rationale for maintaining the PSS operation at Lower Monumental. Hesse said he would like to understand some of the thinking.

Turner said that it is the operation is in their approved monitoring plan, so it is what they are going to do.

Hesse asked if he had heard correctly that it is the reaction in the monitoring plan.

Turner said yes, that it is what is in the monitoring plan. He said that he is willing to go back over how the plan was developed, how it has been vetted, and why that language is

in it. There is a plan in place, it has been approved by Ecology and gone through the process. They are not going to want to change it without additional information from his understanding.

Julie Ammann, Corps, asked if TMT needed to hear from BPA to hear what they are able to implement with regards to the changes at Lower Granite.

Tony Norris, BPA, said BPA will do what they can. Depending on when the change is submitted to their operators, Norris was not sure if it had gone out already. They will implement as soon as possible around any lack of load conditions. He said to expect by tomorrow morning for sure.

Dave Swank, USFWS, noted a process point. He said that TMT all voted and had a chance to speak on the initial SOR. They have heard the Corps response. He did not think that there is a need to take an official vote on the Corps response. He said that at this point we should just ask people if they want to comment.

Stranz said that she was currently looking at the SOR process.

Down the center column

4B: AAs state that the SOR is not implementable as is written but they have a revised request/revision

5B: Caucus if you need it.

Jonathan Ebel, ID, asked the Corps to remind him how the GBT Monitoring Plan was vetted and who vetted it outside of the action agencies.

Turner said he does not know the specifics.

Paula Calvert, BPA, the services did review the non-salmonid plan that USGS developed. They also got some input from the states.

Ebel asked which states.

Stranz asked if it was specifically the states of Washington and Oregon, or if it went beyond.

Calvert said just Oregon and Washington.

Van Dyke asked if all comments and requests for consideration implemented in the plan for all the state representatives that actually provided input.

Calvert said that they were able to address Washington's comments. Oregon provided approval of the plans that were submitted, the Action Agency response to their comments are still pending and will be addressed upon review of subsequent plans, at a minimum.

Trevor Conder, NOAA, asked about the topic of the monitoring plan and the definition of a reach. He asked if the plan very specifically described that GBT monitoring will occur below Lower Granite and Ice Harbor, or if it said within the Snake River reach, or if it allowed for monitoring below each particular project. In the case of that one project exceeded and the other's did not you could select that one individual project is meeting spill criteria. Conder was looking for more clarification for the future.

Turner said that they did propose two locations with the Snake River zone, one downstream of Lower Granite and the other downstream of Ice Harbor.

Conder asked if additional sites could be added, like below Little Goose and Lower Monumental, to more specifically target where this spill reduction criterion is applied within the rule of the plan and the water quality standard.

Turner said that it is not considered in the plan in front of them. He is not sure what it would take to revise the plan and get it approved.

Stranz asked if Conder heard Hesse's question to Brown earlier about whether they can get non-salmonid data from below Little Goose and Lower Monumental. Brown had said yes if it is of the same quality and similar protocols.

Conder said that it is not in the approved plan so that is where he is not sure. He is hearing Brown say that, and then he is hearing the Corps say that they would have to modify that plan to do that. It sounds like they would have to change the plan to accommodate that.

Stranz said that is correct. She said that the Corps is already seeking modification to reflect the changes to Lower Granite. Stranz said maybe ask the Action Agencies who work with USGS to explore what opportunities there could be to add monitoring below Little Goose and Lower Monumental.

Turner said that he would take the idea of additional sampling to their policy level and he can report with what he finds out.

Conder said that would work.

Morrill said that they use the same criteria for the action on GBT for salmonids and non-salmonids. He said that he understood that Brown clarified that he wanted to see non-salmonid data before the made a change. Morrill posed the question, if they use the same criteria for salmonids and non-salmonids, and they are not seeing it at projects above Ice Harbor, if that is a consideration for the action proposed. Using the same criteria for both salmonids and non-salmonids and when they violate it, or exceed those criteria that institutes an action on the reduction scale. If that is the case, and there is information from above Ice Harbor, but there is not information from Lower Monumental and Little Goose, Morrill asked if the information would be valid to say they do not need to reduce spill.

Turner said that the current interpretation is that the non-salmonid is a different sample than the salmonids. The non-salmonid location below Ice Harbor is an index site to help determine conditions throughout the zone. Given they do not have non-salmonid sampling at those other sites they are using it to indicate what they think may be happening there. It would be a change, but they are not ready to make that kind of change of using salmonids to indicate what a non-salmonid population would be. They are distinct samples and they are using it as an index site downstream of Ice Harbor.

Hesse said he appreciated the discussion that is occurring but with the Action Agencies in totality abstaining from a vote on the SOR in front them and providing a response of we have a plan and we are sticking to it when asked for their justification. Hesse felt that he

was left with no other option to assume that the Action Agencies are abandoning the Adaptive Management Process of TMT. He said that he is struggling to further engage at this point.

Baus said that he would be happy to explain their abstention, he said that the Corps could pick another polling response, but as is identified in the Flowchart that the Provision 4B, the SOR was not implementable as written. Baus wanted to clarify to Hesse the Corps response in the poll was reflective of the fact that they had coordinated as identified in the SOR. There was a request to do coordination with Washington Ecology; the Corps did that coordination as requested. As that request occurred, they ended in a different spot specific to Lower Granite that was different from what was written in the SOR. When Baus had said abstention, the abstention was rooted in the fact that as is identified in the Corps guidelines in 4B the SOR was not implementable. Baus said that the Corps is not ignoring the SOR, the Corps listened to the SOR, they reached out to Ecology, and they changed operations at Lower Granite based on the feedback from TMT and Ecology and then back to the Corps. He does feel like they are adaptively managing, they rolled out a position last Wednesday, got feedback, listened to what TMT had to say, and they made a change. He said that he does not agree with the characterization of how the Corps is handling this, he does feel that they are adaptively managing. They made a change to that was described in their implemented plan.

Stranz said that she is aware that there have been differences among understandings of what adaptive management is and what it looks like. She did not think that it would be helpful to get into that debate at this discussion, but if the members believed that it would be she said that we could make some time.

Hesse said that he heard Baus and he welcomes the change at Lower Granite. He also would appreciate TMT to think about how this adaptive management looks on paper and the process that is playing out will not show the trail that Baus just described. Hesse said that it would look like a unilateral action by the Action Agencies. He said that it makes him feel like the Fish Managers and the intent of the TMT process are being manipulated in a way so that the adaptive input from the Fish Managers is not documented. Documenting is not Hesse's primary intent, his outcome is to improve conditions for fish but given the responses of abstain and Hesse's concerns voiced earlier and *especially* Turner's response of we are not going to talk further. Those were not Turner's words but what Hesse felt was his intent when Turner said "we have a plan" and "we are not deviating from that". Hesse said that he is not sure how to handle that and the TMT adaptive management process.

Baus asked Hesse what is a better way. Baus asked for the more helpful way for the Corps to describe that it is not implementable as written. He asked if there was a better polling response that Baus could have used. Baus said that he is struggling with this conversation because they are engaging in adaptive management. Baus provided a response because for their guidelines it is not implementable; Baus asked how better to describe that.

Hesse said that he heard that the Lower Granite operation is not implementable because of Ecology's recent feedback that 125% TDG flex is acceptable. He heard a default that they were not going to talk about Lower Monumental because the Corps has a plan. He

said that is not acceptable to him, he needs there to be more dialogue, he did not understand why Lower Monumental is not implementable given the lack to discuss.

Ammann said that she would like to acknowledge Hesse's extreme frustration. She said that when dealing with things like water quality standards sometimes the rules and the Corps ability to work within those rules are a little more constrained. She wanted to remind him that the Biological Monitoring Plan is part on their compliance with Washington's water quality standards. The Corps is trying to work within those constraints. She said that she understands that Hesse would like the Corps to be doing something different from what they have in the plan but it does feel a little challenging for the Corps to arbitrarily change it because they have one forum (TMT) where they are discussing it and then they have another process that they are working through with Ecology. It puts the Corps in an awkward spot; dealing with the water quality standards is different from some of the other things that TMT discusses.

Hesse asked if the water quality adaptive management plan specify in very detailed words that the default operation, if you have an exceedance, is 120%/115% flex or 115%/120% get TDG.

Turner said that he could read from the approved Water Management Plan (at the bottom of page 4):

In accordance with the state water quality agencies' requirements, when or if one of the action criteria above is detected at a GBT monitoring location, spill, at all projects within the geographic zone where the action criterion exceedance was detected, will be reduced to 120 percent TDG in the tailrace/115 percent TDG in the next downstream forebay. Performance standard spill will be implemented as planned to reduce TDG loading in the affected geographic zone more expeditiously (see Table 3 in Enclosure 1).

Ammann said that the Water Quality Standard says that the Corps will have an approved Biological Monitoring Plan that is approved by Ecology as part of their ability to access the 125% TDG modification.

Hesse said that it was helpful. He appreciated that being read, he was not up to date on the second part of the plan.

Van Dyke said that this has been a difficult conversation. One of the early of the add-ins in the conversation for making the plan included a concern about replacing the ESA-monitoring at the dams with this new approach. Van Dyke said that from what he is hearing the monitoring at Little Goose and Lower Monumental is no longer being utilized to identify action criteria. He said that they are being superseded by 'no information', which was a coordinated aspect of the sampling plan to move on to try to move to provide improvement for listed fish passage. It is a huge concern. Van Dyke said that it seems to him that 'no data' is winning over actual information. Information that is still available. It has all become a big concern. He wanted to make it clear that this is not something that was not identified early in the process, but with all the negotiations, doing nothing allowed for the little nuances that if something triggers a criteria it is something that we have to deal with at the moment. The decisions being applied here are not satisfactory, knowing that there is data available that has not triggered the criteria, in the

spaces where we are going to change back, and disregard the fact that we are trying to improve fish passage in the Snake at the important time in the migration period.

Stranz asked if when Van Dyke said ESA-listed he meant salmonid.

Van Dyke said what TMT is doing is addressing ESA. TMT has a BiOp that we are commonly using; we have other processes that we go through that the Water Quality Agencies have gone through great lengths to try to address – not only the ESA issues but the issues that they manage. It is big and Van Dyke understands that but falling back to the plan that had comments that may or may not have altered what was in it will stand out. The non-data point being superseding where there is information is hard to consume as appropriate moving forward. He is still disappointed about that.

Stranz tried to summarize for clarity.

- There is salmonid data being collected below Lower Monumental and Little Goose, there is not non-salmonid.
- Turner said that he would take the request back to the Policy-level for adding monitoring for non-salmonids below Lower Monumental and Little Goose.
- Currently the approved monitoring plan says that both salmonid and non-salmonid needs to be in compliance needs to be in compliance for GBT.
- Van Dyke's complaint is that there is data for salmonids why can't we use it?

Van Dyke said that is correct. He said that there is a GBT monitoring strategy in the basin; somehow, we are superseding the fact that we have data with the fact that we do not. He does not think that this makes sense.

Brown responded that in order for Ecology to move forward with a rule that would be approvable by EPA there was a recognition that there was a lack of information on many non-salmonid species and the impacts of TDG and increased TDG to those species. Written into the rule was specifically that we needed information from not just salmonids but also non-salmonids. That was the requirement, that either of the threshold criteria that trigger either the salmonid dataset sampling or the non-salmonid shows that the water quality rule is not being met. The goal was to gather that information and make decisions based on how to improve the fish passage and also to assure that the water quality standards could approved in terms of their impacts to the rest of the species. Brown said that the flexibility that they are providing in the interpretation of that is that with the information at the site for Lower Granite there is reasonable assurance is that threshold is not being triggered is not being exceeded because we have the data downstream from Lower Granite. We do not have data collection from Little Goose and Lower Monumental - that decision goes back to 2020 when they discussed what the monitoring plan should be, there was no discussion in the 2022/23 monitoring plan. Prior to 2021, the agencies (ODFW, WDFW, Ecology and others) were looking at what the feasibility of collecting data at every site versus what locations would give them some good information to make those determinations. Realizing now from unanticipated consequences that more data would help us make better decisions that are more precise dam per dam and give them assurance that those standards are being met. The lack of data is just the fact that it does not provide the assurance that they can change what is

currently agreed upon, as they are Lower Granite. They cannot make that assurance at Lower Monumental and Little Goose.

Ebel first wanted to remind TMT that an approved GBT Monitoring Plan did not include any comments or review by the state of Idaho. Even though Idaho, from a fish perspective, is impacted by these decisions. Ebel wanted to go back to what Ammann and Hesse were discussing with perceived flexibility and GBT Monitoring Plan that says performance spill is going to be implemented. He said that what Washington Ecology just showed is that there is flexibility in that plan specifically because of the presence of data at below Lower Granite. The Corps can continue to implement 125% spill with PSS. He does not see how this type of flexibility could not be applied to Lower Monumental by removing the performance spill period and just spilling to 115%/120%. He asked why that would not be implementable because the plan has already been violated. He asked why it could not be extended. He then said before the response is that the reason is to expedite whatever the de-gas (he was not sure of the language). He noted that the PSS is not being implemented at Ice Harbor yet that is where the criteria was exceeded. He said that is a dangerous comment for him to make because then they would say they need to implement a performance standard period at Ice Harbor, he does not agree with that. He thinks that at Lower Monumental, they can do a flat gas cap spill and maybe Brown could speak to whether Washington Ecology would see that the flexibility exists.

Brown said that there is nothing in the standards that would disallow that either of those options as long as the 115%/120% was met.

Ammann said that the Corps is trying to work with Ecology within the rules and parameters of the Water Quality Standard and the approved Biological Monitoring Plan that they pre-coordinated with them before spill started. They did get a modification from Ecology yesterday, in writing, which the Corps is now trying to have incorporated back into their Biological Monitoring Plan and approved. They are trying to work in the background so that they feel that they are back within WQS compliance and not making decisions as they go as it puts her in an uncomfortable position. She understands that this will irritate Hesse but they are defaulting back to the plan that they had preapproved and coordinate with Ecology that had performance standard hours. She said, as Ebel pointed out, that Ice Harbor does not have the performance standard hours. Ammann said that she is not able to provide the amount of flexibility that Ebel is requesting. She does not have the coverage.

Ebel said that Brown gave him that flexibility.

Ammann said that Brown explained to TMT the flexibility potentially within the Water Quality Standard. He did not say that it is within the Biological Monitoring Plan that the Corps already has approved and then just got modifications. The Corps has the Water Quality Standard that says the Corps needs to have an approved Biological Monitoring Plan and that is what Ammann is using.

Brown said that there is a possibility for flexibility but Ecology have not been asked and the Corps has not asked formally for any modification for that. Ecology has not made any decision on how they can modify the approved plan.

Stranz summarized.

- From Brown’s perspective, there is flexibility to pull out of the requirement of the performance standard period and allow Lower Monumental to operate to 115%/120%.
- Lower Monumental could be an option to discuss between Ecology and the Corps; however, it has not been discussed yet.
- It is not something Ammann feels that she can do right now on the fly.
- Stranz suggests that it is added to the list that goes to Corps Policy as a request then Ecology and the Corps can have additional conversations.

Ebel said that he thinks that was a good summary. He said that if the Corps is going to take that path. He said that he wished he could ask Ecology to make that determination from Idaho. He said that if that is a path it changes the talk about the poll. If TMT could get a timeline, like the Corps could commit to doing that, and it could be done by tomorrow morning (May 12, 2023) because part of this is we are in peak run. It is in Ebel’s interest to return as close to the spill levels as described in the FOP, but essentially once they get another sample below Ice Harbor and it hopefully shows that the criteria is not continuing to be violated then this goes away. The seven-day clock started yesterday. The faster the process goes the better off the fish are, at least the salmonids, maybe not the sculpins. He wants to point that out. He said that if the Corps is going to do that he would like them to commit to talking to Ecology about the performance spill period at Lower Monumental. He would like them to as soon as possible.

Ammann said that what she can commit to is taking the request to Policy and then they will make the decision on whether or not they formally make a request to Ecology. She said that is as good as she can give Ebel right now.

Ebel said that when polling he will get an object for now.

Turner said that he is not sure if it would make things more clear but the spill cap for Lower Monumental are not too different from 40% spill. It is a different operation and as flows change, things will change but given the current conditions in the river, they are not too different right now.

Hesse said that when flows exceed 100k, which they are predicted to do soon, the TDG limit would be controlling 24/7. The performance standard will not be implementable in the near future. Maximizing spill 24/7, using the 120%/115% will be a driving factor when they get a little more water. This discussion may all be moot.

Ebel said that Hesse and Turner are right. His intent is to force the exploration of flexibility because yesterday, or today, or at any lower flow that was not true. If we have these situations repeat themselves at a different flow rate we can start ironing out these issues now.

Hesse said that is a good point.

Morrill said he appreciates Ecology participating, making information available and providing additional guidance. He shared that the Ecology’s management plan should be the one thing that should be subject to adaptive management. The plan can be changes as

needed if the parties involved are willing to consider it. He does not see the plan as hard and fast. When they say they cannot change the plan but they can approach Ecology and ask. He said that it the place that he sees that adaptive management could play a role.

d. Action items

- Ammann and Turner to take requests to Policy
 - Ask USGS for opportunities for non-salmonid monitoring to be implemented downstream of both Lower Monumental and Little Goose.
 - To go 120%/115% at all times at Lower Monumental instead of having performance standard blocks.
- Starting @ 1600 May 11, 2023, or as soon as BPA could implement
 - Take Lower Granite back to 125% TDG (FOP spill) and continue with operations as discussed yesterday at Ice Harbor, Lower Monumental, and Little Goose 115%/120% and performance standard blocks.

e. Polling on The Corps: New Coordination

Polling Options: *Support / Object / Not Objection / Abstain*

NOAA: **Support**

OR: **Abstain**

WA: **No Objection**

Umatilla: **Abstain**

USFWS: **Support**

ID: **Support/Object***

Nez Perce: **No Objection**

BPA: **Support**

**sees two actions and will clarify in the response*

NOAA – Supports because Conder can see the Corps’ logic on this in following their interpretations of the Water Quality Standard as written with the current plan. They have agreed to work through some of those details in addressing the concerns of the region at a technical and policy level. He thinks that the Corps are going to work towards that for the Lower Monumental issue and other future issues. He thinks that they are doing what they can with the regulations currently. He thinks that TMT can support that.

Oregon – Abstained because Van Dyke thinks that this is a bit of a mess and a train wreck. The Fish Managers provided an SOR and we were allowed to poll on it. He said that they did not get an SOR or any documentation back yet we are polling on it. He sees some inconsistencies there. He appreciates a great deal the effort of the people on the call. He said that the Corps heard some requests to build in some action that they took. He appreciates that they reached out to the Washington's Department of Ecology and that Brown took the time to engage and join in the call to provide the information that he has. Van Dyke said that he thinks the process in the past tried to deal with some of these problems to make them not occur but we failed this time around. Because of that, there is enough inconsistency in using information that we have available to us to make decisions adaptively that he is concerned about which he voiced during the conversation earlier. He said that the plan seems to be treated differently depending on where we are in the process, whether it is being too rigid or adapting the plan to meet the situations that we are facing. This conversation brought out details about how some aspects of a decision are sticking rigidly to a plan while the others are built to try to provide an adaptive approach. Van Dyke is concerned that the group has not made it there in this conversation. Earlier brought in the detail right now what is done in the basin is trying to mitigate for listed species and this change largely focuses in on a species that is not listed, that detail, including the other things that we were concerned about with the study plans presented early on were that they were superseding a longstanding monitoring effort. He said that was a concern. He said there was also a concern about how we would be learning from the non-salmonid sampling events. He thinks that has been lost in this conversation. Whether we have evaluated it intensely or not still stands out as something that is missing in the decisions being made. He does not feel that there is an easy statement on the polling for this.

Washington – Morrill appreciates Brown's participation and guidance, he appreciates that the Corps reached out to Ecology. He understands that there is a lot of discussion and dialogue in trying to address this issue as best they can. He, in some respects, cannot object to the effort to resolve and the communication and dialogue to address the concerns of the Fish Managers. He recognizes the effort that went into this; he recognizes that there is not necessarily agreement to the best approach going forward. Van Dyke clearly stated a concern of Morrill's, from a biological perspective of the basin and the focus on the BiOp and the need to do the best we can to ensure successful migration in the smolts, when spill would be highly beneficial for those juvenile fish. He said that they also respect Ecology's role in the Clean Water Act and the implementation of that is difficult process that is not easy to negotiate. So he said that he will stay with the No Objection.

Umatilla – Lorz said that he appreciated the conversation. He said that the ball has moved some, but it has not moved as much as they would like. He said that there would be continued discussions. The Salmon Managers will work within the regional forum as best as they can to come to a situation that Lorz thinks might be a better outcome in the long term.

USFWS – Swank said that he would like to echo Morrill's thoughts on appreciating the Corps, and reaching out to Ecology as quickly as they did. He said that was good to see. He said it was good to see that there was some flexibility in the regulations. He said that

this is the first time that this has happened, where they have exceeded the GBT exceedance, and there will be more discussions on it and suggestions for refining those for next year. Swank said that he would like to be involved in that.

Idaho – Ebel gave the two contradicting polling. He said that he supports the Corps returning to the implementation of the FOP at Lower Granite. He thinks that is appropriate. Where he objects is, he objects to the continuing PSS at Lower Monumental. He appreciates the Corps' Technical Level committing to asking the Corps' Policy Level whether they should ask Washington Department of Ecology for flexibility surrounding performance spill at Lower Monumental that is in the GBT Monitoring Plan. He said that he thought that could have been done this morning when they saw that there was an SOR, because it was clearly stated in there. His objection turns to a half-hearted support if that flexibility is requested and granted, very quickly. He said that he is not going to go on about how out of balance this seems from a fish perspective in general. From a state perspective, Idaho, would like to be afforded the opportunity to have some input on this in the future because it can be very frustrating when someone from the Federal Agencies says that they coordinated with the States and Ebel has to remind them that there are more states in the Pacific Northwest than Washington and Oregon. That is Ebel's rationale behind his Support/Object as well as his frustrated ranting.

Nez Perce – Hesse said that his No Objection was based on the real-time situation and not the precedents that TMT is setting for process. He appreciates the restoration 125% TDG flex at Lower Granite. He is practically looking at conditions for Lower Monumental and while the on paper operation is inconsistent with what he thinks could be best be done for fish under the existing plan guidelines, practically it will be the same. That is the no objection aspect for Hesse. He said that he hoped that Brown was still on the call because he observed that the regulating process in all of this is the Washington Department of Ecology Water Quality Standard and associated permit. Hesse believes that further interaction, whether that is a joint technical staff memo, and/or further response to Fish Manager's efforts to balance environmental conditions for all species is much needed in this process. Hesse said that he does not think that it is achieved under the current permit guidelines and that is a challenge for the Corps to implement it with their rigid applications. He said that it is a plea for Ecology to effectively engage with the Fish Managers and the Fish Managers will reach out to instigate that. He hopes for responsiveness.

f. Corps Plan Moving Forward – *Dan Turner, Corps*

At 1600 on May 11, 2023 the Corps will be going back to FOP operations at Lower Granite.

Sending the guidelines to BPA and the project and they will try to pivot as quickly as they can.

The Corps will continue with the operations at Lower Monumental, Little Goose, and Ice Harbor as talked about in the TMT meeting (May 10, 2023).

Turner will revise the spill priority list to reflect all the changes. He will try to provide the changes by the next TMT meeting (May 17, 2023).

2. Public Comments:

Tom Iverson, Yakama Nation Fisheries, said that the submittal of the SOR yesterday afternoon and the level of coordination less than a day later shows good adaptive management and he wants to thank the Corps and Washington Department of Ecology. He does not see the commensurate for the protections of salmon. He also wants to encourage the Corps removing the performance spill and Ecology. This is the first time that we are realizing the issues.

Today’s Attendees:

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

Other Attendees (non-TMT members):

Corps – Dan Turner, Aaron Marshall, Chris Peery, Alexis Mills

BPA – Paula Calvert, Ben Hausmann

DS Consulting – Emily Stranz (Facilitator), Colby Mills

BPA – Andrea Ausmus (note taker, Contractor with CorSource Technology Group)

Yakama Nation Fisheries – Tom Iverson

WA Department of Ecology – Chad Brown

FPC – Gabe Scheer, Rachel Tessier

Columbia Basin Bulletin – Mike O’Bryant