



Nez Perce Tribe

Department of Fisheries Resources Management

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Memorandum

Date: November 22, 2021

To: Doug Baus
Cc: Dave Johnson
From: Jay Hesse

Re: Nez Perce Tribe Review of the 2022 Water Management Plan Draft 2

Context

Salmon, steelhead, and lamprey are cornerstones in Nez Perce Tribe culture. The status of these treaty-centric resources is dire; the Nez Perce Tribe is working in multiple forums (including the Technical Management Team), and implementing on-the-ground actions, to prevent extirpation and restore healthy and harvestable populations of salmon, steelhead, and lamprey throughout the Snake Basin. This a daunting challenge as 42% and 19% of the current ESA-listed populations of Snake River spring/summer Chinook and summer Steelhead, respectively, are at or below quasi-extinction thresholds. Transformational change in the Columbia River System (CRS) structure and operation is needed.

In support of the Joint Motion to Stay Litigation, we are limiting our Water Management Plan (WMP) review comments to a few issues that need editorial clarity. This should limit distractions from the ongoing effort to develop and implement a long-term solution that will support healthy and harvestable fish populations.

Detailed Comments

The Nez Perce Tribe (NPT or Tribe) provided comments on Draft 1 of the 2022 WMP on November 1, 2021 (available at <https://pweb.crohms.org/tmt/documents/wmp/2022/>). Draft 2 of the WMP addressed some, but not all, of the Tribe's Draft 1 comments; this memorandum describes the Tribe's concerns and revision requests associated with Draft 2 of the 2022 WMP.

Please consider the following comments and suggested edits as the U.S. Army Corps of Engineers (Corps) finalizes the 2022 WMP.

- The Joint Motion to Stay Litigation and its associated Agreement for short-term operations – the “Term Sheet for Stay” NWF v. NMFS, ECF 2411-1 – should be included in the second paragraph of Section 1. Alternatively, the entire second

- paragraph of Section 1 could be deleted, as each of the currently listed documents and the Joint Motion of Stay Litigation are described in subsequent sections.
- Description of the WMP coverage period as “2022 water year (October 1, 2021 through September 30, 2022)”, in paragraph 2 of Section 1 and paragraph 1 of Section 3.2, should be modified or footnoted to clarify that the Agreement for short term operations – the “Term Sheet for Stay”, NWF v. NMFS, ECF 2411-1 – guides specific operations set forth in, and during the time frame of, that Agreement.
 - Consistently describe “Dworshak - Regulate outflow temperatures to attempt to maintain water temperatures in the Lower Granite Dam tailwater and trap (see section 6.8.2).” in the June, July, August, and September columns of Table 2. As written, different wording is contained in the August and June columns and the July and September columns lack any reference to this routine management decision/action.
 - “Improve FRM operations reduce spring spill operations” should be deleted from the first sentence in paragraph 1 of Section 6.8.1. Drafting the Dworshak pool to an elevation below FRM levels between January 1 – March 31 has been justified/described for the purpose to “increase hydropower generation”, not for FRM. The second half of the quote, “reduce spring spill operations” is listed twice in the sentence.
 - Description of Dworshak Dam summer operations, in the first sentence of the second paragraph of Section 6.8.2, to help meet the primary flow/temperature objectives should be revised from “July and August” to “June through September”.
 - Description of Dworshak Dam fall operations (Section 6.8.3) should include “As described in the Agreement on 2022 Operations, the Corps and Bonneville will refrain from within-day load shaping at Dworshak Dam as occurred during January 2021 unless necessary for equipment testing or other operation and maintenance related activities.”
 - Description of power peaking operations in Section 6.10.2 should be labeled as zero ‘flow’ rather than zero ‘generation’ to be inclusive of all authorized purposes. As written, zero generation terminology is power centric.
 - Scheduling of future WMP Draft 2 reviews by sovereign inter-agency Technical Management Team (TMT) should be adjusted to include the full work week after the Thanksgiving holiday. Alternatively, the entire WMP development and review process could be initiated prior to October 1.