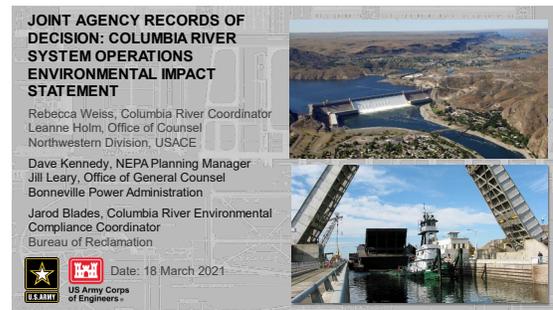


This webinar for the USACE Planning Community of Practice provided an overview of the preparation of a joint Record of Decision (ROD) for the Columbia River System Operations environmental impact statement (EIS), which included information beyond the standard USACE ROD template. The ROD had three co-lead federal agencies who worked together toward selecting an alternative that would meet each agency's mission. Presenters Rebecca Weiss and Leanne Holm (USACE Northwestern Division), Jill Leary (Bonneville Power Administration), and Jarod Blades (Bureau of Reclamation) discussed the history and background of the project, the format used for the joint ROD, and lessons learned.



The agencies developed the EIS and ROD in accordance with the National Environmental Policy Act in response to the need to review and update management of the Columbia River System. This included evaluating impacts to resources in the context of new information and changed conditions in the Columbia River Basin. The final EIS documents the review and discloses the environmental effects of implementing the Selected Alternative, containing of a suite of structural and operational measures that provide a balanced approach to operations, maintenance, and configuration of the Columbia River System. The system is comprised of 14 federal dam and reservoir projects in Idaho, Montana, Oregon and Washington. For more information on the Columbia River System Operations EIS and ROD, please visit <https://www.nwd.usace.army.mil/CRSO/>

This summary of the Question / Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

Tribal & Interagency Coordination

Are any Tribes participating in the project? If so, have any of the Tribes withdrawn from cooperating agency agreements prior to the issuance of the final EIS or the ROD?

Yes. The Columbia River System Operations EIS preparation included an extensive and comprehensive Tribal engagement process. Specifically, ten Tribes signed memoranda of understanding to become cooperating agencies, and government-to-government consultations occurred in various formats.

Two Tribes did withdraw as “cooperating agencies” before the issuance of the final EIS and the ROD – the Spokane Tribe of Indians and the Kalispel Tribe of Indians.

There were also two tribal organizations that were cooperators on behalf of their represented tribes, as formally designated by the associated tribal councils.

Did developing a consensus plan limit the proposed actions in a way that impacted the effectiveness of those actions?

The process for determining which alternatives would be analyzed in the EIS was based on objectives developed in coordination with over 30 cooperating federal, state, and Tribal organizations, and took into consideration the approximately 400,000 comments received during the EIS scoping phase. The agreed upon eight objectives included fish health and migration, adaptable water management throughout the system, hydropower reliability, and greenhouse gas reduction. In that sense, the

objectives that provided the foundations for the alternatives were built by consensus, but the analysis of those alternatives was not conducted in a “consensus” manner – it was strictly technical analysis. All teams participated in the analysis, including the cooperators. While some entities disagreed with decisions the co-lead agencies made based on the outcomes of that analysis, that disagreement does not indicate that the analysis was inaccurate or that the proposed actions would be ineffective.

Were there any individual cooperating agency policies that were in stark contrast to another co-lead agency’s policies? If so, how did the team overcome this type of obstacle?

Cooperating agencies were all part of specific teams and were treated equally as team members, even if they had previously taken positions in litigation or otherwise that are in conflict with the co-lead agencies’ authorities. There are certain agencies that have specific authorities, such as the states and EPA on water quality compliance, while others have special expertise in fish health and survival, for example. The analysis was driven by the specialist on the teams; there was values that were different for resources, such as how to build alternatives for competing concepts like fish versus water quality improvements. The team had to find that balance for the alternatives; but ultimately the co-lead agencies were responsible for compliance and addressed any compliance concerns with the appropriate agency or tribe that had special expertise or jurisdiction over those resources. The cooperating agency memorandum of agreement determined how cooperating agencies provided comments and outlined main points of contact if any cooperators were implementing competing policies.

Did the National Marine Fisheries Service (NMFS) agree to act as a cooperating agency? If so, did NMFS participation in the project help during the formal consultation?

No, NMFS and USFWS (the Services) were not cooperating agencies. However, the co-lead agencies have an existing special relationship with NMFS and USFWS on the CRS and managing the system for ESA-listed species. For many years, the co-lead agencies and Services have participated in a standing forum of the executives and project managers to discuss real-time water management and operations for fish passage and survival. On this project, informal consultation started with NMFS and USFWS in 2016 and the agencies held regularly occurring meetings through 2019 to discuss the alternatives and analysis, climate and water quality modeling, and fish metrics to prepare the Services for formal consultation and build any measures into the alternatives, and eventually the Preferred Alternative and Proposed Action. Their feedback helped set the modeling metrics (in fact, the NMFS Northwest Fisheries Science Center was contracted to perform some of the fish modeling), and USFWS participated as part of the FWCA efforts. The constant communication helped streamline the consultation and meet the deadlines we were working under, including getting draft biological opinions in time to analyze and make commitments in the final EIS.

Were all three co-lead agencies involved in responding to public and agency comments? If so, how did that process work?

Yes. The comments were broken out based on topic with assistance from a contractor and sent to the technical teams to complete a first draft response. There was a standing policy and legal team, that included all three agencies that would review and edit the first drafts, and submit them back into a database for the contractor to compile the response appendix. The policy and legal team would review by agency, sending the reviewed responses to the next agency, finishing back with the original agency that started the review, concurred, and submitted as complete. Weekly meetings of this team would address any questions on a comment that needed further discussion in order to finalize and approve the comment response.

What type of system was used for document sharing between co-lead agencies?

Unfortunately, this was an ongoing problem for the team as the different sites that have been established are intended for sharing documents, but not for collaborative building of a document. The closest workable technology was a SharePoint site that enabled security access for other registered users; however, with three different federal agencies with different security requirements, these efforts became extremely burdensome and constantly locked out members. We were not able to find a technology that would work for more than a few months. Standards of communication were established that identified leads who were responsible for sending out, collecting back, and making next versions. These chains of custody across agencies had its own set of issues. Internal to each agency, however, team members maintained SharePoint sites for their agency which allowed each agency's staff to simultaneously work on their agencies' versions of documents or shared drives where drafting and reviews could be coordinated. For the ESA consultations, we utilized a third-party contractor's (Pacific Northwest National Laboratory – part of the federal family) SharePoint to transmit documents among agencies and edit in real-time.

Project Details & Complexity

What strategies did the interagency team use to manage the schedule given the large and complex geographic area involved, and how did the team balance schedule requirements versus product quality?

The team had a specific schedule it was required to follow based on the court order from the U.S. District Court for the District of Oregon and the agencies scoped the project accordingly. The team considered various tradeoffs to ensure it complied with the court ordered schedule while also developing the products and information required to conduct the required alternatives analysis. For example, the team looked at various model options to ensure that one was chosen that could be run and produce results within certain timeframes. The team had to adjust review times when the schedule was shortened by a year by the [Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West \(October 2018\)](#).

Throughout the process, as the team reached decision making points, team members consistently consulted with their leadership to consider what key information needed to be included in the EIS and were critical for decision making versus information or analysis that was not necessarily required to make a decision or could be addressed via a less time-consuming method (i.e., describing something qualitatively and not quantitatively). This helped team members to prioritize specific tasks and produce the EIS given the tight schedule.

What was the composition of the USACE National Environmental Policy Act (NEPA) team for such a large and complex project?

The USACE team was interdisciplinary and as discussed, had members from across Corps' districts and divisions, as well as different Corps' centers of expertise. We had sub teams that focused on the resource analysis, each with technical team leads, as well as experts leading other areas that helped the NEPA process and decision making happen. Technical teams and other supporting teams included: Programs and/or Project Management Teams; Policy Team; Environmental Compliance Team; Water Quality Modeling and Analysis Team; Hydrology and Hydraulics Team; Hydropower Team; Economics Team; Water Supply Team; Reservoir and River Mechanics Team; Climate Modeling and Analysis Team; Cultural Resources Team; Tribal Affairs and Consultation Team; Public Outreach Team; Fish modeling

Lessons Learned from a Joint Record of Decision Q&A Session

and Assessment Team; Vegetation, Habitat, and Wildlife Team; Endangered Species Act Consultation Team; Cost Analysis Team, and several more. There was also a policy and legal team with representatives from each co-lead agency that provided guidance to the technical teams as needed, and reviewed the products from the technical teams.

Were there any public comments received suggesting that breaching only one or two of the Lower Snake River dams should be considered as an alternative? The only breaching alternative included in the EIS was to breach all four dams on the Lower Snake River.

There were several public comments received suggesting that breaching only certain dams instead of all four of the four lower Snake River dams should be analyzed as an alternative. The decision to only include one breaching alternative as a means to address migrating anadromous fish objective was made early in the process. This decision was based on previous analysis conducted by USACE and the Bonneville Power Administration that found that while the impacts to navigation, water supply, and hydropower from breaching only one or two of the dams as opposed to all four would similarly be adverse as breaching all four and fall short of meeting other EIS objectives, the benefits achieved for fish passage would be minor and hard to distinguish. The previous analysis led the agencies to conclude that if removal of less than four dams did not produce the desired benefits for fish and still resulted in major adverse effects for other resources similar to that of removal of all four dams, that it was more prudent to analyze the removal of all four dams and also study other potential solutions beyond dam breaching. Therefore, the team moved forward with the alternative to breach all four lower Snake River dams as one of the 5 alternatives.

Miscellaneous

Can you offer any background on how this effort became part of a Presidential Memorandum ([Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West, October 2018](#))?

The Presidential Memorandum addressed six projects in the western United State that impacted water utilization, especially for irrigation purposes. Each of the projects also had high public interest. The administration was interested in expediting these projects so that they could meet demands sooner, rather than later, and so that the administration at the time would still be in office to implement the decisions coming out of those studies.

Which entities are involved in the new litigation?

The plaintiffs in the U.S. District Court litigation against the Corps, Reclamation, and the Services include a large coalition of environmental groups, the State of Oregon, and the Spokane Tribe of Indians and the Coeur d'Alene Tribe. Similarly, the coalition of environmental groups, the Spokane Tribe of Indians and the Coeur d'Alene Tribe challenged Bonneville's compliance with the ESA, NEPA, and Northwest Power Act in the Ninth Circuit.