



Upper Columbia United Tribes
25 W. Main, Suite 434
Spokane, WA 99201

Phone: 509-838-1057
Fax: 509-209-2421

Coeur d'Alene Colville Kalispel Kootenai Spokane

Nancy Leonard, Ph.D.
Northwest Power and Conservation Council
851 SW 6th Avenue, Suite 1100
Portland, Oregon 97204-1348
(Sent via email to nleonard@nwcouncil.org)

May 10, 2010

Dear Dr. Leonard:

The Upper Columbia United Tribes (UCUT) is comprised of the Coeur d'Alene Tribe, the Confederated Tribes of the Colville Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians. The UCUT unites Upper Columbia River Tribes for the protection, preservation, and enhancement of Treaty and Executive Order rights, sovereignty, culture, fish, water, wildlife, habitat and other interests and issues of common concern through a structured process of cooperation and coordination for the benefit of all people.

Thank you for the opportunity to comment on the Northwest Power and Conservation Council (NPCC) Draft Monitoring, Evaluation, Research, and Reporting (MERR) Plan (document 2010-4). Because the MERR contains potential policy issues that are important to the UCUT, along with the lack of prior consultation in the development of the draft, we thank you for extending the comment period to May 10, and for meeting with the UCUT Technical Committee on May 3. It is our understanding that the comments you received from us at the May 3 meeting are included as part of your formal comment record.

The UCUT Technical Committee was assured in their meeting with NPCC staff on May 3 that the MERR Plan will not be a de-facto rule-making adoption into the Program – that if there is a need to adopt the MERR into the Program, the formal rule-making process will be followed. We would appreciate a confirmation of this in writing.

The UCUT is encouraged that the NPCC is moving forward with programmatic actions that should decrease gaps and redundancy, and increase integration, efficiency and cost effectiveness in research, monitoring and evaluation (RME), and reporting. In addition to the overall benefit of the MERR attempting to consolidate the extensive and complicated characteristics of RME into one guidance document, there are individual sections of the MERR that are encouraging. For example, the organization of the three parts (Strategic Plan,

Implementation Framework, and Implementation Strategies) is a helpful way to organize the document. Likewise, the process to develop the Implementation Strategies, by involving the Regions' Fish and Wildlife Managers – rather than the NPCC developing these strategies internally – is appropriate, and the UCUT look forward to playing a significant role in this process. In addition, Section 3.3.4) Prioritization Criteria (pp. 15-17) with the newly developed criteria tiers provides robust and clear guidance to prioritize RME actions and reduce duplication of efforts in the Program.

However, the UCUT have several major concerns. These concerns are best summarized as:

- the Draft MERR Plan develops policy decisions rather than providing policy guidance;
- the Draft MERR Plan adoption of higher priority and non-prioritized biological objectives are not consistent with Program and UCUT priorities;
- the nine management questions over-emphasize an anadromous fish perspective, do not provide clarity for M&E assistance to meeting Program goals and objectives, and supplant mandated authorities and responsibilities of the fish and wildlife managers;
- the MERR Plan replaces subbasin plan focal species with MERR-priority species; and
- the UCUT Wildlife Monitoring and Evaluation Plan (UWMEP) needs to be more adequately and directly referenced under the Wildlife sections and associated appendices of the MERR Plan.

A major concern is that the MERR Plan, as drafted, is a policy-decision rather than a policy-guidance document. We are adamant that the final document include a paragraph that clearly states that neither the MERR Plan nor any policy guidance that results from the MERR Plan transfers or defers the mandated authorities and responsibilities of the fish and wildlife managers to the NPCC. The MERR Plan should provide guidance for policy decisions, but not set those policy decisions unilaterally.

For a variety of reasons, this document is difficult for the reader to understand. We believe that the MERR Plan should be a stand-alone scientific guidance document for research, monitoring, evaluation and reporting of actions under the NPCC Program. However; we are concerned that it becomes much more when the document is considered in reference to myriad NPCC processes that appear to be inter-related (e.g., Categorical Reviews, Subbasin Plan Reviews, Geographic Assessments, Resident Fish Loss Assessments, the Multi-Year Action Plan, and Wildlife Crediting), in addition to the NPCC intent to take another 2-3 years in order to create the Implementation Strategies. The document does not clearly articulate how the MERR Plan will assist the NPCC and the fish and wildlife managers in decision-making; and is not clear on how redundancy will be reduced and efficiencies increased.

We are also concerned with the NPCC's identification of a subset of the Program's biological objectives as higher priorities for the MERR Plan (section 3.3.1 Management Questions, 3.3.2 Biological Objectives, and Appendix 1). The MERR states that RME actions implemented through the Program should assist the NPCC in answering one or more of the basinwide management questions, and that these questions were used (in part) to determine biological objective priorities. However, the prioritized biological objectives in Appendix 1 are not consistent with the Program or UCUT priorities. Of significant concern is the non-prioritization of non-native resident fish species (MERR pg.41). Resident Fish Substitution in the Upper Columbia River above Chief Joseph and Grand Coulee dams remains a high priority, as identified in past Programs, e.g., its listing as a "Primary Strategy" under section II.D.8 of the 2009 Program (pg.23 of the 2009 Program). This is but one example of the overarching concern where the MERR provides guidance to policy decisions which appear to over-step its bounds and creates policy on its own.

The nine management questions (pg. 13 and Appendix 3) are also a concern to the UCUT on several levels. Significant concern relates to the issue of deference to the fish and wildlife managers – for example, whether harvest is consistent with the NPCC Program's vision (question #8). Harvest is of particular concern to the UCUT, and the basis for many of the protection, mitigation and enhancement measures of the Program. Tribal subsistence is a foundational goal and objective of the UCUT, especially given the drastically altered ecosystem due to the development and operation of the federal hydrosystem. Question #9 again brings up the issue of non-prioritizing resident fish substitution where recovery of anadromous fish is presently unattainable above blocked areas. The concern is that a negative answer to this question could result in a lower RME prioritization – contrary to the stated objectives of the Program and of UCUT.

In addition, several of the questions appear to be over emphasize anadromous fish. For example, the UCUT has concerns with question #7 - when operations at Chief Joseph Dam that are required for improved survival and passage targets downriver (e.g., anadromous fish objectives) are not balanced with resident fish and wildlife needs above the dam. Depending on how they are answered and by whom, questions #2, #3, and #4 do not appear to lead to a consistent spectrum along the continuum of meeting NPCC Program goals and objectives.

Another concern is MERR section 3.3.4 in the reference to Appendix 4. The draft states that "it is important to note that the list of priority species does not reduce the importance of focal species at the subbasin scale" and that the list "may change with improved understanding" (pg. 17). However, in section 3.4.2) the draft states that "the NPCC gives higher priority to status and trend monitoring related to basinwide status and trend data for priority species and habitat characteristics" (pg.24). The draft states on page 31, that the first iteration of the "Program Synopsis" will include an "up-to-date status of priority species and habitat characteristics in the Basin." Another example is in the reference under section 3.3.4) Prioritization Criteria that the "Implementation Strategies developed for resident fish, anadromous fish, and wildlife will at a minimum focus on the listed species and habitat characteristics." Thus, the concern is that even though the MERR states that the importance of focal species at the subbasin scale is not

reduced, the draft implies that there will be significance based on priority species that does not afford priority to focal species. The UCUT requests to continue work with the NPCC to ensure that the fish and wildlife species and habitat characteristics listed in Appendix 4 are modified to fully reflect the importance of species and habitats in the Upper Columbia ecoregion – including species that are important to monitor for their potential negative impact (e.g., chum salmon habitat requirements in the lower Columbia River that severely impact the operations of Grand Coulee Dam and the resulting negative impacts to resident fish and wildlife in or near Lake Roosevelt). Species such as Lahontan Cutthroat Trout, Bass, Mountain Whitefish, Walleye, Bridge-lip, Large-scale, and Long-nose Suckers, Mourning Dove, and possibly others may need to be considered as priority species.

The Upper Columbia Basin and our aboriginal lands are within a large blocked area and our wildlife resources are of particular value and concern. The UCUT is in favor of most of the information contained within the draft MERR as it relates to Wildlife resources. This section would be much improved, however, with the addition of the UCUT Wildlife RM&E or UWMEP (UCUT Wildlife Monitoring and Evaluation Program) to be fully included under both the wildlife monitoring section and in Appendix 8. Our strategic plans (i.e., sub-basin plans) and associated implementation strategies (i.e., objectives within our sub-basin plans) will be satisfied for Wildlife with the continued implementation of the UWMEP.

For example, the UWMEP comprehensively addresses the lists of components, guidance, higher priority and non-prioritized biological objectives and indicators, as well as the implementation indicators, the priority species and habitat characteristics, and the preferred performance standards, measures, and protocols (i.e., long term goals to assess progress of actions and to inform future management decisions, not to mention the already established UWMEP protocols and methodology that can be readily shared, modified, and used as needed by other wildlife managers) as found in the draft MERR document on pages 32-35 under subsections 3.4.4) Data Management and Sharing Requirements Approach and 3.4.5) Standardized Approach for Implementation Strategies, and that are further referenced in listed form on pages 14, 38, 40-41, and 44-47.

Therefore, we respectfully request that the UWMEP be more adequately and directly referenced under the Wildlife sections and associated appendices within the MERR document. In addition, we request clarification on pages 40-41 under the three bullets for “higher priority—wildlife” and the two bullets for “non-prioritized—wildlife.” We question why it is desirable on the one hand to give priority to complete the mitigation from assessed losses associated with construction/inundation - as well as to conduct (where appropriate) loss assessments on losses from operations, but on the other hand give non-priority to “Develop and implement habitat acquisition and enhancement projects to fully mitigate for identified losses.” There appears to be a disconnect here and we would appreciate an expanded explanation as to what this means or what the intent is here that the authors wish to communicate.

Again, thank you for the opportunity to comment on the draft MERR Plan, and for the meeting that the NPCC staff attended at UCUT. We look forward to a continuing and further growing working relationship with the NPCC and its staff in order to successfully fulfill the coordination, communication, and collaboration responsibilities we all share under the Northwest Power Act. Please contact D.R. Michel (dr@ucut-nsn.org) if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Ernie Stensgar". The signature is written in a cursive style with a large, prominent initial "E".

Ernie Stensgar, Chairman

Cc: Stephen L. Crow, NPCC Director