

Hearing on Draft Fish and Wildlife Program
October 15th, 2008
Holiday Inn Parkside
Missoula, MT

Stan Bradshaw (Trout Unlimited)

- Mr. Bradshaw works for Montana Water Project whose purpose is to enhance instream flows.
- Trout Unlimited has been one of the Qualifying Local Entities in Montana since the start of the Water Transaction Program (WTP).
- Program has been instrumental in getting funding for instream flows and for leveraging funds elsewhere.
- One unique thing about the WTP is that changing a water right from one use to an instream flow is not a quick or linear process. The WTP has adopted accordingly. WTP support of doing the work that leads up to the actual water transaction has been essential.
- Support the four bullet points in WTP part of the draft program. Recommendations in those points were largely driven by what we have seen the last five years.
- WTP is a youthful discipline but over the last five years the advances in terms of how to do these well have been hugely advanced by the existence of the WTP program.
- If we can stay on the learning curve we have been on and keep what is in the current draft we are on the right road.

Brianna Randall (Clark Fork Coalition)

- Area of focus for the Clark Fork Coalition is largely the same as the area the Council knows as the Mountain Columbia Province.
- Support most of the draft document, particularly the toxics, human, and climate impacts sections.
- Council should continue focusing on the 15% funding for resident fish.
- Thank the Council for looking at the big picture instead of spot fixes.
- A Clark Fork subbasin plan is a glaring omission from the program and the Council should incorporate those missing links.
- WTP aspect of the program has been beneficial and like the fact that a land acquisition fund is being added.
- Summarizing the subbasin plans and putting them online would be beneficial.

Morgan Case

- Here to express appreciation of Idaho Department of Water Resources and Board for the WTP.
- Program has really allowed us to build capacity and build on experiences of others in the basin in regards to how to get these things done.
- WTP is very responsive and flexible to new ideas.

Barbara Hall (Montana Water Trust)

- Joined WTP in 2003 and have really benefited from the program and appreciate the funding and ability to communicate with other groups in the region.
- Supports language in the amendments regarding the WTP.
- Bitterroot is on target to get the subbasin plan finalized in 2009.

Bruce Jim (Columbia River Inter-Tribal Fish Commission)

- In the draft program, the Council repeatedly states that it will “consider adoption of the HSRG recommendations into the program” when the recommendations are completed.
- Any consideration the Council might give to HSRG recommendations must be faithful to and not disregard both the federal government’s mitigation and trust obligations to the Treaty Tribes, or the diminished legal status of these recommendations in the framework of the Northwest Power Act.
- The recommendations coming out of the HSRG are just that – recommendations. They have no independent legal effect.
- The HSRG recommendations have the distinct potential to run afoul of the legal standards regarding tribal resource mitigation and trust obligation.
- HSRG process and recommendations are conducted independent of other important regional processes like U.S. v. Oregon, the Pacific Salmon Treaty, and the Columbia Basin Fish Accords.
- The HSRG is not a co-manager in the Basin, and is not entitled to any deference under the Northwest Power Act