

Staff summary of Issues & Recommendations

Vision / Assumptions

*preliminary draft, please refer to full recommendations for complete review

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2009 Fish and Wildlife Program Section

Section II A 1. Title: The Overall Vision for the Fish and Wildlife Program (pg 6);

Section II A 2. Title: Planning Assumptions (pg 7-8)

Overview

Program Vision - No significant changes were recommended. Several recommendations cite the vision as support for a particular recommendation.

Planning Assumptions - Some agencies and tribes recommend that the Council address the in lieu provisions by clarifying and establishing a new in lieu policy. Others stress the need to not urge BPA funding in lieu of other authorized funding sources for mitigation measures.

The Council also received recommendations to integrate climate change into the program planning considerations. Some of the fish and wildlife agencies and tribes recommend that the Council develop a strategic plan to address the potential impacts of climate change

I. Summary

1. Program Vision

- The Native Fish Society (60) recommended all of ISAB's recommendation which included the recommendation that the Program's vision and biological objectives should be consistent with the scientific principles. Within this discussion the ISAB also discussed, but didn't make a specific recommendation about, their a concern that the vision and objectives do not adequately consider uncertainty about the limits to food webs and fish and wildlife productivity in the Columbia River ecosystem or consider the risk of losing ecosystem resilience (capacity to absorb and adapt to disturbance and change while maintaining essential functions) in the face of increasing threats.
- BPA (35) mentions vision but does not provide recommendations to alter the vision.

2. In Lieu

- MFWP (2), ODFW (3), WDFW (4), Cowlitz I.T. (22), Kootenai, I.T. (24), and USRTF (28) all recommend clarifying in-lieu, by requesting that the Council establish the in-lieu funding policy which shall be applied by BPA, and add it to the Program. They also recommend that the in-lieu decisions by BPA should be reviewed by Council through a public process.

3. Pacific lamprey

- The CTGR (18), CTUIR (19), and USFWS (33) recommends editing third bullet under Habitat on page 7 to include Pacific Lamprey so that it would read as: ocean conditions should be considered in evaluating freshwater habitat management and to understand all states of the salmon, steelhead [add: Pacific lamprey] life cycles.
- The USFWS (33) recommends modifying the third bullet under Planning Assumptions, Hydropower on page 8 to mention Pacific lamprey and other fish: Systemwide ... [omitted text] ... This would include, for example, Pacific lamprey burbot, green sturgeon, white sturgeon, Columbia River smelt, and whitefish.

4. Harvest

- MFWP(2) recommends modifying the text on Page 8. Harvest from , “Harvest can provide significant cultural and economic benefits to the region, and [delete modify as below: the Program should seek [delete: to increase harvest] [add: sustainable harvest] opportunities consistent with sound biological management practices. Harvest rates should be based on population-specific adult escapement objectives designed to protect and recover naturally spawning populations.”

5. Adaptive Management

- The WDFW (4) and USRTF (28) also recommend restructuring the program to better support implementation of adaptive management.
- *Side note:* Restructuring using adaptive management was recommended within the Program Framework by ODFW (3), WDFW (4), WAGSRO (5), BPT (12), CTGR (18), Cowlitz I.T. (22), NPT (25), and USRTF (28) See the staff summary related to the Program Framework for more detail.

6. Mainstem Vision and other types of vision

- CRITFC (14) need for a common hatchery vision.
- CRITFC (14), CTGR (18), CTUIR (19), Cowlitz T.I. (22). YN (17), NPT (25), USFWS (33) requests modification to mainstem vision, specifically adding *and over-wintering habitats.*

II. Framework Recommendations

State F&W Agencies/other state agencies/state supported agencies

1. Montana Fish Wildlife & Parks, MFWP (2) (submitted by Brian Marotz)

- Nothing about vision – has comments on the assumption but not the vision
- **2. Planning Assumptions** Page 7. In Lieu Provisions The Council should clarify BPA’s “In-lieu” funding restrictions and establish a policy in the new Program. The Council should review in-lieu decisions implemented by BPA to ensure that critical mitigation efforts receive BPA funding for successful and timely implementation. Also, the in-lieu provisions should not prevent project sponsor’s from establishing equitable cost-share arrangements with other entities that are responsible for similar on-the-ground actions.
- Rationale: Section 4(h)(10)(A) of the Northwest Power Act requires BPA to protect, mitigate and enhance fish and wildlife to the extent affected by the development and operation of the hydropower projects of the Federal Columbia River Power System (FCRPS) in a manner consistent with Council’s fish and wildlife program and the purposes of the Act. The “in Lieu” provision of section 4(h)(10)(A) states that “Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, 2 other expenditures authorized or required from other entities under other agreements or provisions of Law.” These vague statements should be clarified.
- Page 7. Quick facts box We recommend adding Kootenai white sturgeon and mountain whitefish, and change rainbow trout to redband trout.
- Page 8. Harvest The 2009 Program states, “Harvest can provide significant cultural and economic benefits to the region, and [modify as below: the Program should seek to increase harvest opportunities consistent with sound biological management practices]. Harvest rates should be based on population-specific adult escapement objectives designed to protect and recover naturally spawning populations.” We recommend that the text in bold print above be revised to read:[the Program should seek sustainable harvest opportunities consistent with sound biological management practices].
- Rationale: The revised sentence is more consistent with the long-term goals of the Fish and Wildlife Program. Montana reduces harvest if necessary to allow native fish populations to rebound, and increases harvest limits on nonnative species to reduce negative interactions with native species. These practices should be applied throughout the Columbia Basin.

2. Oregon Department of Fish and Wildlife, ODFW (3) (submitted by Tom Rien)

- **8.1 Clarify BPA In-lieu Restrictions** (Attachment 2, Section 8.1) Current Program: Page 7, Planning Assumptions , **Recommendation:** The Council should establish the in-lieu funding policy which shall be applied by BPA, and add it to the Program. In-lieu decisions by BPA should be reviewed by Council through a public process. Input from the Council is needed as the Fish and Wildlife Program is reviewed and updated to ensure that critical FCRPS mitigation efforts receive the necessary funding from BPA for successful and timely implementation. Rationale: Section 4(h)(10)(A) of the Northwest Power Act requires BPA to protect, mitigate and enhance fish and wildlife to the extent affected by the development and operation of the hydropower projects of the Federal Columbia River Power System (FCRPS) in a manner consistent with Council’s fish and wildlife program and the purposes of the Act. The “in Lieu” provision of section

4(h)(10)(A) states that “Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of Law.” BPA has interpreted this “In Lieu” provision of the Act by drafting an In Lieu Policy (June 2007) and assigning ratings to both new and ongoing projects. Since establishing this policy, BPA has made decisions not to initiate new efforts deemed as in lieu while ramping back on funding levels for other ongoing efforts (e.g., Burns Paiute Tribe - Malheur River Resident Fish Project No. 1997-019). With this call for policy guidance from the Council, we recognize the critical need to focus ratepayer funding on fish and wildlife mitigation efforts that address FCRPS impacts and that this funding not supplant another entities legal responsibility for funding and implementation of fish and wildlife efforts. However, there are numerous permutations and interpretations of funding responsibility of entities for fish and wildlife efforts as well as the reality of what, if any specific funding has been required, made available, or appropriated for these efforts. We also understand Congress’ intent for the Northwest Power Act, in general, as filling the gaps among the myriad of fish and wildlife and environmental programs and laws currently within the extent of the Columbia River Basin.

3. Washington Department of Fish and Wildlife, WDFW (4) (submitted by Amy Windrope)

- ***2.1 Restructure the Program to Better Support Implementation of Adaptive Management*** Current Program: Page 3, Program Framework, and throughout Recommendation: Restructure the Fish and Wildlife Program to contain or have provisions to explicitly develop or track the following essential adaptive management steps: 1) Update the current status and trends of the fish and wildlife resources the Program is intended to protect, mitigate, and enhance; 2) Adopt biological objectives and document the current gaps between Program objectives and status for the fish and wildlife resources identified in step 1; 3) Quantify the limiting factors and threats, in terms of their relationship to the biological objectives with associated assumptions, hypotheses and critical unknowns; 4) Adopt strategies and measures linked to limiting factors and threats with a quantification of expected outcomes toward the filling of the gaps identified in step 2; 5) Develop and maintain Research, Monitoring, and Evaluation Plans that will track the status and trends of focal species and their threats and limiting factors, collect the information necessary to test assumptions and hypotheses, address critical uncertainties, and evaluate the implementation of measures; 6) Share through reports, web tools, and other sources the accumulated monitoring and research data and information which will be used to carry out steps 7 and 8; 7) Develop an evaluation process that deliberately contemplates the information from steps 1–6 to verify or adjust assumptions and hypotheses, adjusts biological objectives, and adjusts strategies and measures; and, 8) Establish a process for adjusting the implementation of the Program to align with the changes identified in step 7. Each of these eight steps is required to support a transparent, accountable, and effective planning, implementation and evaluation process. In this process, *measures* are the actions, or prescriptions for actions. They implement strategies to address the limiting factors that create the gaps in biological productivity of the focal populations.

- 3. 2 Clarify BPA In-lieu Restrictions** Current Program: Page 7, Planning Assumptions Recommendation: The Council should establish the in-lieu funding policy which shall be applied by BPA, and add it to the Program. In-lieu decisions by BPA should be reviewed by Council through a public process. Input from the Council is needed as the Fish and Wildlife Program is reviewed and updated to ensure that critical Federal Columbia River Power System (FCRPS) mitigation efforts receive the necessary funding from BPA for successful and timely implementation. Rationale: Essentially, the Council’s role is to interpret the Power Act and to develop recommendations from that interpretation in an open, transparent process. Section 4(h)(10)(A) of the Northwest Power Act requires BPA to protect, mitigate and enhance fish and wildlife to the extent affected by the development and operation of the hydropower projects of the FCRPS in a manner consistent with Council’s fish and wildlife program and the purposes of the Act. The “in Lieu” provision of section 4(h)(10)(A) states that “Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of Law.” BPA has interpreted this “In Lieu” provision of the Act by drafting an In Lieu Policy (June 2007) and assigning ratings to both new and ongoing projects. Since establishing this policy, BPA has made decisions not to initiate new efforts deemed as in lieu while ramping back on funding levels for other ongoing efforts (e.g., Burns Paiute Tribe - Malheur River Resident Fish Project No. 1997-019). With this call for policy oversight from the Council, we recognize the critical need to focus ratepayer funding on fish and wildlife mitigation efforts that address FCRPS impacts and that this funding not supplant another entities legal responsibility for funding and implementation of fish and wildlife efforts. However, there are numerous permutations and interpretations of funding responsibility of entities for fish and wildlife efforts as well as the reality of what, if any specific funding has been required, made available, or appropriated for these efforts. We also understand Congress’ intent for the Northwest Power Act, in general, as providing an overarching structure among the myriad of fish and wildlife and environmental programs and laws currently within the extent of the Columbia River Basin.

Tribes/ Tribal Organizations

4. Columbia River Inter-Tribal Fish Commission (14) (submitted by Aja DeCoteau)

- Nothing about the program vision or assumptions
- The region lacks a shared vision on the proper role of artificial propagation to achieve our goals of salmon recovery and full rebuilding. There has been a substantial lack of focus on the detrimental effects of mass marking and mark selective fisheries. The response of steelhead to these programs is nothing more than a sad experience of ESA listings and declining returns. With a new sense of objectivity, the Council should support hatchery programs that make progress to recover and rebuild salmon runs, such as supplementation, and question all other programs as a risky foundation for restoration.
- Recommendation 10: Revise first paragraph under *Vision of the Mainstem Plan* on page 35 as follows: “...especially spawning, rearing, resting, migration, **and over-wintering habitats** for salmon, steelhead, lamprey, sturgeon, and resident fish populations.”

5. Confederated Tribes and Bands of the Yakama Nation, YN (17) (submitted by Steve Parker)

- Current Program, Pacific Lamprey, Various Sections Recommendation 10: Revise first paragraph under VISION OF THE MAINSTEM PLAN on page 35 as follows: ... especially spawning , rearing, resting, migration and over-wintering habitats for salmon, steelhead , lamprey, sturgeon, and resident fish populations.

6. Confederated Tribes of Grand Ronde (18) (submitted by Lawrence Schwabe)

- C.2 Amendments to Vision for the Columbia River Basin recommendation 4 – edit third bullet under Habitat on page 7 to read: ocean conditions should be considered in evaluating freshwater habitat management and to understand all states of the salmon, steelhead [**add**] **Pacific lamprey** life cycles.
- **F.1 Amendments to Vision of the Mainstem Plan, Recommendation 25:** Revise first paragraph under *Vision of the Mainstem Plan* on page 35 as follows: ...especially spawning, rearing, resting, migration, and over-wintering habitats for salmon, steelhead, lamprey, sturgeon, and resident fish populations

7. Confederated Tribes of the Umatilla India Reservation, CTUIR (19) (submitted by Kat Brigham)

- Recommendation 1: Edit third bullet under Habitat on Page 7 to read: Ocean conditions should be considered in evaluating freshwater habitat management and to understand all stages of the salmon, steelhead and [add: Pacific lamprey life cycles].
- Recommendation 10: Revise first paragraph under *Vision of the Mainstem Plan* on page 35 as follows: “...*especially spawning, rearing, resting, migration, and over-wintering habitats for salmon, steelhead, lamprey, sturgeon, and resident fish populations.*”

8. Cowlitz Indian Tribe (22) (submitted by William Iyall)

- **8.1 Clarify BPA In-lieu Restrictions** Current Program: Page 7, Planning Assumptions Recommendation: The Council should establish the in-lieu funding policy which shall be applied by BPA, and add it to the Program. In-lieu decisions by BPA should be reviewed by Council through a public process. Input from the Council is needed as the Fish and Wildlife Program is reviewed and updated to ensure that critical FCRPS mitigation efforts receive the necessary funding from BPA for successful and timely implementation. The development and operation of the hydropower system has such an impact on the Columbia River ecosystem, that its affects cannot be separated or isolated from the other landscape scale impacts to the system. Addressing one part of the system impacts successive elements and therefore, mitigation actions need to be considered in this larger context. The Council’s Program needs to take a larger vision of the entire system in order to prioritize strategies, rather than treating the symptoms or individual elements. The recommendations in Section 2 of this document, explicitly identifying limiting factors and strategies to address them, would help in aligning the individual actions and assessing the effectiveness of specific strategies in a holistic context.
- Recommendation 10: Revise first paragraph under *Vision of the Mainstem Plan* on page 35 as follows: “...*especially spawning, rearing, resting, migration, and over-wintering habitats for salmon, steelhead, lamprey, sturgeon, and resident fish populations.*”

9. Kootenai Tribe of Idaho, Kootenai T.I. (24) (submitted by Sue Ireland)

- **Fish and Wildlife Program Implementation Provisions , 2.3.1 Clarify BPA In-lieu Restrictions** , Recommendation: The Council should clarify BPA’s “In-lieu” funding restrictions and establish a policy in the amended Program to ensure that critical mitigation efforts receive BPA funding for successful and timely implementation. In-lieu decisions implemented by BPA should be reviewed by Council through an open public process. Rationale: Section 4(h)(10)(A) of the Northwest Power Act requires BPA to protect, mitigate and enhance fish and wildlife to the extent affected by the development and operation of the hydropower projects of the Federal Columbia River Power System (FCRPS) in a manner consistent with Council’s fish and wildlife program and the purposes of the Act. The “in Lieu” provision of section 4(h)(10)(A) states that “Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of Law.” BPA has interpreted this “In Lieu” provision in their In Lieu Policy (June 2007), and assigned ratings to both new and ongoing projects. Since establishing this policy, BPA has decided not to fund new efforts deemed as in lieu, and reduced funding for other ongoing efforts.

10. Nez Perce Tribe, NPT (25) (submitted by David Johnson)

- Section VI B - Mainstem Plan - Vision of the Mainstem Plan Page 35, Full Paragraph 1. Reword to: "...especially spawning, rearing, resting, migration, and over-wintering habitats for salmon, steelhead, lamprey, sturgeon, and resident fish populations."

11. Upper Snake River Tribes Foundation, USRTF (28) (submitted by Heather Ray)

- **2.1 Restructure the Program to Better Support Implementation of Adaptive Management** Current Program: Page 3, Program Framework, and throughout Recommendation: Restructure the Fish and Wildlife Program to contain or have provisions to explicitly develop or track the following essential adaptive management steps: 1) Update the current status and trends of the fish and wildlife resources the Program is intended to protect, mitigate, and enhance; 2) Adopt biological objectives and document the current gaps between Program objectives and status for the fish and wildlife resources identified in step 1; 3) Quantify the limiting factors and threats, in terms of their relationship to the biological objectives with associated assumptions, hypotheses and critical unknowns; 4) Adopt strategies and measures linked to limiting factors and threats with a quantification of expected outcomes toward the filling of the gaps identified in step 2; 5) Develop and maintain Research, Monitoring, and Evaluation Plans that will track the status and trends of focal species and their threats and limiting factors, collect the information necessary to test assumptions and hypotheses, address critical uncertainties, and evaluate the implementation of measures; 6) Share through reports, web tools, and other sources the accumulated monitoring and research data and information which will be used to carry out steps 7 and 8; 7) Develop an evaluation process that deliberately contemplates the information from steps 1–6 to verify or adjust assumptions and hypotheses, adjusts biological objectives, and adjusts strategies and measures; and, 8) Establish a process for adjusting the implementation of the Program to

align with the changes identified in step 7. Each of these eight steps is required to support a transparent, accountable, and effective planning, implementation and evaluation process. In this process, *measures* are the actions, or prescriptions for actions. They implement strategies to address the limiting factors that create the gaps in biological productivity of the focal populations.

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Federal F&W Agencies/Other Federal agencies

12. Bonneville Power Administration, BPA (35) (submitted by Lorri Bodi)

- **Program Vision** The current vision for the Program acknowledges that its broad objectives and actions extend beyond the mitigation responsibilities of the FCRPS or even other hydropower owners and operators in the Columbia Basin. The Program goals of achieving runs of 5 million fish and smolt-to-adult returns of 2-6% are influenced by the broad array of factors affecting the salmon and steelhead lifecycle, including the range of human impacts, and dominant natural variables such as ocean conditions, climate change, and natural mortality. In response to comments raised by the ISAB in its recent review of the 2009 Program, we wish to clarify that the total run size goal of 5 million fish returning to the mouth of the Columbia River annually remains relevant as a basinwide goal, and is—as required by legal obligations and agreements among fisheries

managers outside the Program—composed of both hatchery and wild fish. As always, adaptive management remains central to the implementation of the Program. Adaptive management is the means to reflect new and emerging information, adjust our strategies to make them more effective, and address the uncertainty associated with complexity, natural variability, and climate change.

13. US Fish and Wildlife Service, USFWS (33) (submitted by Richard Hannon)

- Recommendation : Edit third bullet under *Habitat* on Page 7 to read: *Ocean conditions should be considered in evaluating freshwater habitat management and to understand all stages of the salmon, steelhead and Pacific lamprey life cycles.*
- Recommendation : Append to the third bullet under *Planning Assumptions, Hydropower* on page 8 with: *Systemwide water management, including flow augmentation from storage reservoirs, should balance the needs of anadromous fish with those of resident fish in upstream storage reservoirs so actions taken to advance one species do not unnecessarily disadvantage other species. This would include, for example, Pacific lamprey burbot, green sturgeon, white sturgeon, Columbia River smelt, and whitefish.*
- Revise first paragraph under *Vision of the Mainstem Plan* on page 35 as follows: ...especially spawning, rearing, resting, migration, and over-wintering habitats for salmon, steelhead, lamprey, sturgeon, and resident fish populations

Bonneville Customers/other utilities and user groups

none

Environmental /NGOs

14. Native Fish Society (60) (submitted by Bill Bakke)

- we are submitting the ISAB recommendations to the Council for adoption by reference see Reference Document Section at the end of this document for program objective details from the ISAB 2013-1 Review of 2009 Program, pg 3-4, Vision and Conceptual Foundation: ISAB recommendation regarding vision and biological objectives 1) The Program vision and biological objectives should be consistent with the scientific principles.
- ISAB VISION: 3. The Program Vision and Sustainability as its Conceptual Foundation ; The vision of the 2009 Program (NPCC 2009-09) is to recover an ecosystem that can sustain much of the historical abundance, productivity, and diversity of fish and wildlife, including abundant opportunities for harvest, while satisfying requirements for electrical power from the hydrosystem. The vision is to be achieved wherever feasible, by protecting and restoring natural ecological functions, habitats, and biological diversity. Recognizing that these natural processes may not be sufficient or feasible, the use of non-natural methods such as artificial propagation and non-native species are also permitted as less preferred options. This vision has merit in being comprehensive and ambitious, as well as flexible, depending on the interpretation of “abundance” and “feasible.” It is worth noting that the goal of “abundant opportunities” for harvest sets expectations for ecosystem benefits and largely determines whether the fish and wildlife community can possibly be “abundant, productive, and diverse” enough for the vision to be achievable and sustainable. The Program framework includes a scientific foundation with eight

principles to help identify strategies and actions that will be effective in achieving the vision and biological objectives of the Program. The ISAB recognizes that the vision and biological objectives properly reflect cultural values and aspirations whereas the scientific principles summarize current scientific knowledge about the nature of the Columbia River ecosystem. However, the scientific principles warn that the Basin's capacity to produce sustainable benefits will ultimately constrain the potential to achieve the Program's vision and biological objectives. Accordingly, the ISAB recommends that the vision and biological objectives be examined for consistency with the scientific principles. The ISAB is concerned that the vision and objectives do not adequately consider uncertainty about the limits to food webs and fish and wildlife productivity in the Columbia River ecosystem or consider the risk of losing ecosystem resilience (capacity to absorb and adapt to disturbance and change while maintaining essential functions) in the face of increasing threats from human population growth (ISAB 2007-3), climate change (ISAB 2007-2), and non-native species (ISAB 2008-4). For example, the vision seems to imply that abundant opportunities for harvest could be created and sustained by non-natural methods including artificial propagation to supplement natural reproduction. The ISAB is concerned that this option might be pursued uniformly throughout the Columbia River Basin without respecting scientific insights about the need to maintain the diversity of heterogeneous populations and habitats that confer resilience.

Individuals

None