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April 29, 2003

MEMORANDUM

TO: Council Members

FROM: Lynn Palensky

SUBJECT: Malheur Subbasin Planning Contract

Proposed Action

Staff recommends that the Council authorize the Executive Director to negotiate a contract with the Malheur County Soil and Water Conservation District (MSWCD) for the development of the Malheur Subbasin Plan pursuant to the Council's Master Contract for subbasin planning with Bonneville. The proposal has been submitted through the Oregon Subbasin Planning Coordination Group (OSPCG) and is subject to anticipated final approval on May 2, 2003. The total projected cost of completing this work is not to exceed \$135,176.

Background

The MSWCD has been designated by the OSPCG as the fiscal agent for the subbasin. The Malheur subbasin plan will be developed under the guidance and direction of the Malheur Coalition. The Coalition has been approved by OSPCG as the Lead Entity for the Malheur and is comprised of the Burns Paiute Tribe and the Malheur Watershed Council. Representatives from basin organizations, cities, counties, irrigation districts, state agencies and federal land and resource management agencies will participate in the Stakeholders/Advisory Group with the Coalition in the development of the subbasin plan. The final plan will be submitted to the Council for adoption into the Fish and Wildlife Program and to the Oregon Watershed Enhancement Board (OWEB) for consideration and adoption by OWEB under state statute. *The proposed workplan and budget, which have been sent to you electronically, are also available on the Council's website at <http://www.nwccouncil.org/news/agenda.htm>.*

Proposed Schedule and Budget

The final Malheur Subbasin Plan will be submitted to the Council by May 28, 2004. The funding for this contract will not exceed for \$135,176 for FY03/04.

APPLICATION CERTIFICATION AND TRANSMITTAL

To: Northwest Power Planning Council
851 SW Sixth Avenue, Suite 1100
Portland, OR 97204
Att: Contracts Officer

Thru: Oregon Subbasin Planning Coordination Group

Contact Person: Lynn Youngbar

From: The Malheur Watershed Coalition
2925 SW 6th Ave., Suite 2
Ontario, OR 97914
Contact Person: Kathy Pratt, Malheur Watershed Council

Request:

The Malheur County SWCD will serve as fiscal agent for the Malheur Watershed Coalition, a cooperative association between members of the Burns Paiute Indian Tribe, and the Malheur Watershed Council. It is requesting contract financial assistance from the Northwest Power Planning Council for the development of the subbasin plan described below and in accordance with such funding conditions as may be required by the Council and the Bonneville Power Administration. This application is prepared with full knowledge and understanding of the Council's practices and procedures described in the attachments 1-3 of the request for funding materials provided.

Project Name: Malheur Subbasin Plan
Subbasin: Malheur
Province: Mid Snake

Certification:

I certify that to the best of my knowledge, the information provided in this application is true and correct and that the financial assistance requested will be utilized only for the purpose of carrying out the activities described in the attached statement of work.

Authorized Representative_____

Signature

Date

Printed Name and Title:

Kathy Pratt, Malheur Watershed Council Coordinator

APPLICANT/ORGANIZATION INFORMATION

Province name: Mid-Snake

Subbasin name: Malheur

Organization name: Malheur County SWCD

Type of Organization: Local government

As agent for the Malheur Watershed Coalition

Address: 2925 SW 6th Ave., Suite 2

City/Town: Ontario

State, Zip: Oregon, 97914

Telephone #: 541-889-2588, x 121

Email address: kathy-pratt@or.nacdnet.org

Fax #: 541-889-4304

Describe organization purpose and legal status

The Malheur County SWCD is a local government, a subdivision of the State of Oregon, organized under ORS 568. The district responsibilities include identifying and prioritizing natural resource conservation needs within the district, obtaining technical, financial and educational resources and focusing and coordinating those resources to meet local conservation needs.

Contract contact information:

Project Management Coordinator:

Name: Kathy Pratt,

Mailing address: 2925 SW 6th Ave., Suite 2

City/Town, State, Zip: Ontario, Oregon 97914

Email address: kathy-pratt@or.nacdnet.org

Contract administration representative:

Name: Lance Phillips

Mailing address: Same as above

City/Town, State, Zip: Same as above

Email address: lance-phillips@or.nacdnet.org

Telephone #: 541-889-2588, x 114

SUMMARY DESCRIPTION OF PROJECT

Setting/Description

The Malheur River Subbasin, situated in southeastern Oregon, is a tributary to the Snake River entering at about river mile (RM) 370. The majority of the subbasin is located in Northern Malheur County with smaller portions in Baker, Grant, and Harney Counties. The Malheur Subbasin is approximately 3,021,400 acres in size, or approximately 5,000 square miles. Five major drainages contribute to the Malheur Subbasin: North Fork Malheur, Mainstem Malheur, South Fork Malheur, Bully Creek, and Willow Creek. Approximately 60% of the Malheur Basin is publicly owned and managed by the federal government, primarily BLM. Topography consists of rolling hills with flat, alluvial valleys along major tributaries in the Vale-Nyssa-Ontario area.

Overall Approach

Purpose. The Malheur Watershed Coalition (Coalition) was organized to establish a locally led process for cooperating local stakeholders, tribal interests, private citizens, and public organizations, local, state and federal governments to develop a comprehensive watershed restoration plan for the Malheur Basin in Eastern Oregon. The plan will be submitted to the Northwest Power Planning Council (Council) for adoption as a subbasin plan under the Council's 2000 Fish and Wildlife Program following the subbasin planning guidance adopted by the NWPPC. The plan will also be submitted to the Oregon Watershed Enhancement Board (OWEB) for consideration and adoption by OWEB as the goals and priorities for watershed restoration in the Malheur Basin under ORS 541.371(1).

The overall purpose of the planning effort goes beyond the requirements of the Council's subbasin planning process. The Coalition intends that the subbasin plan serve as a building block for local fish and wildlife restoration plans that will identify and prioritize actions needed to:

- Protect and enhance streamflows to meet water quality standards, instream water rights, fish and wildlife habitat objectives and existing water rights;
- Support research, monitoring and evaluation to guide existing and future restoration and management efforts in the subbasin
- Maintain the resource land base in the subbasin, consistent with acknowledged comprehensive land use plans, and the economic viability of the resource-based economy in the Basin;
- Protect and enhance water quality to meet tribal, state and federal standards
- Promote sustainability and conservation consistent with the custom, culture, economic stability and quality of life in the subbasin.

The plan is intended to be consistent with and to assist in addressing the requirements of the following: Endangered Species Act (ESA) species recovery plans, the Federal Clean Water Act (CWA), the Oregon Plan for Salmon and Watersheds, Wy-Kan-Ush-Mi Wa-Kish-Wit (Spirit of the Salmon), tribal trust responsibilities and treaty rights, and local land use plans. Additional basin management tools

included the Agriculture Water Quality Management Area Plan, Oregon Department of Fish and Wildlife (ODFW) basin plans and other laws and regulation. Applicable management documents for anadromous and resident salmonids on federal lands include PACFISH and INFISH.

Organization. The Coalition is the lead entity composed of the Burns Paiute Tribe and the Malheur Watershed Council. Representatives from basin organizations, cities, counties, irrigation districts, state agencies and federal land and resource management agencies will participate in the Stakeholders/Advisory Group with the Coalition in the development of the subbasin plan. They will develop the subbasin plan following the guidance set forth in the Oregon Specific Guidance (Oregon Project managers, draft 2002) and in Technical Guide for Subbasin Planners (Council Document 2001-2002). The organizational structure of the Coalition is explained in detail in Figure 1. All meetings of the Coalition will be open to the public and participation by others interested in the subbasin planning effort will be encouraged

The Coalition will provide the overall project management including facilitation of the meeting to develop the vision, objectives and strategies. The Malheur County SWCD will serve as fiscal agent for the Coalition managing the contract with the Council and contracting for other services, as required, to prepare the subbasin plan. The Malheur County SWCD has authority to contract with the NWPPC and has extensive experience administering grant programs and managing projects. The Malheur County SWCD expects to contract with an experienced technical writer to work as principal author of the plan. The writer will work closely with the Technical Team(s) and the Coalition to compile, edit and write various sections of the draft assessment, inventory management plan and subbasin plan. Members of the Coalition will participate in all technical team and stakeholder meetings. They will also be present at all public hearings/meetings and the inventory development. The Coalition expects to hold meetings monthly through the start up phase of the planning process, and as needed during later phases of the process.

Coordination. The organizational structure of the Coalition assures coordination with all the groups actively working on watershed restoration in the Malheur subbasin. The participants are committed to building on all the watershed assessments and planning work that has already been done. The individuals serving on the Coalition will assure that their organizations receive regular updates on the planning process so that as many people as possible track developments as they occur. Members of the Coalition will participate in all Technical Team and stakeholder meetings and will be present at all public hearings and meetings. They will take the lead in reviewing the subbasin assessment and inventory for accuracy, developing the vision and biological objectives and prioritizing strategies for the subbasin plan.

Technical Assistance. The Coalition will establish and oversee a Technical Team and other special technical teams as needed to complete the various products required in the subbasin plan. It is anticipated that the technical consultant (see Budget) will seek assistance on (1) fish and wildlife matters; and (2) preparation of

an appropriate modeling analysis. As members of the Technical Team, the US Forest Service and the Bureau of Land Management will provide assistance on their land and resource management plans and watershed assessments, hydrology and fish and wildlife biology. The Natural Resource Conservation Service will provide assistance on resource inventories on private lands. Cities and counties will provide information on land use and zoning and on municipal water supply needs. Additional technical assistance will be provided through the Oregon Coordinating Group's Technical Outreach and Assistance Team (TOAST).

Related Planning Efforts

Extensive watershed analysis and planning has already been done in the Malheur Basin. Existing assessments and plans will be used to prepare the subbasin assessment -- particularly the Malheur Subbasin Summary prepared by the Oregon Department of Fish and Wildlife for the Council in 2001 and the Malheur Subbasin Summary (draft) prepared by the Burns Paiute Tribe and the 1999 Malheur Basin Action Plan prepared by the Malheur Watershed Council. Other key documents include watershed assessments prepared by soil and water conservation district geographic priority areas, federal land management agency land and resource management plans (including the data in the Interior Columbia Basin Ecosystem Management Project), irrigation district water conservation plans, Bureau of Reclamation Reports, Oregon Senate Bill Agriculture Water Quality Management Plan for the Malheur and local zoning regulation and land use plans.

The Coalition also seeks to have the subbasin plan serve as the foundation for the recovery plans now being developed by the US Fish and Wildlife Service (USFWS) for bull trout.

Schedule and Deliverables

Members of the Coalition have recently organized for subbasin planning. Some representatives of the group have also attended meetings with the Council staff and the Oregon Subbasin Planning Coordination Group. The following subbasin planning products will be prepared with a tentative start date of early May 2003 and a completion date of May 28, 2004.

1. Completed subbasin assessment meeting guidelines provided in the *Technical guide for Subbasin Planners*. September 2003
2. Completed subbasin inventory meeting guidelines provided in the *Technical Guide for Subbasin Planners*. November 2003
3. Complete draft vision and biological objectives. January 2004

4. Completed subbasin plan meeting guidelines provided in the *Technical Guide for Subbasin Planners*. May 2004
5. A public involvement report documenting public outreach activities. May 2004

Public Participation and Involvement

Broad participation in the subbasin planning process can be assured through the formation and meetings of the Coalition. The Coalition staff will develop a comprehensive public outreach plan, assuring that all of those interested in fish and wildlife restoration know about the planning process and have an opportunity to participate and comment.

Public notice will be given for all Coalition meetings and meetings will be scheduled to brief local elected officials as needed.

Involvement of the Federal land management agencies, primarily the Department of Interior Bureau of Land Management, is critical for ensuring a successful planning effort. A significant amount of the land in the Basin is federally owned and managed. Participation by federal land management agencies includes providing technical support and data as well as providing information to ensure subbasin plan compatibility with the land use management plans for the basin. This collaboration will avoid duplication of planning efforts as well as promote integration and coordination in project planning.

Tasks and Major Sub-tasks

Startup

The planning process has already begun in the Malheur Subbasin through the development of watershed assessments and discussion meetings among key participants to identify an agreed upon approach to the planning process. The process will proceed upon signing a contract with the Council.

As directed by the Coalition, the Malheur County SWCD will subcontract with a qualified person(s) for one or more positions: 1) a Project Manager for overall project coordination services; 2) a Technical Writer/Editor who will take the lead in drafting the subbasin plan; 3) local agency technical staff; and 4) other technical consultants as needed throughout the planning process. If intractable differences of opinion arise between stakeholders during the development of the subbasin plan, the Coalition may employ a facilitator to help resolve issues. The Coalition will also meet with key public officials and editorial boards throughout the Basin to make them aware of the planning process and solicit their issues and concerns.

Assessment

- 1. Subbasin Overview:** The Technical Writer/Editor will work with the Coalition to identify and gather the existing plans, watershed assessments and reports on the Subbasin. Working with these documents and the Subbasin Summary, the writer will prepare the subbasin description for review by the Coalition. The overview will describe the geography, land ownership, biological and environmental situation in the Basin. Information needed on the Malheur Basin fits into the overall regional context will be provided by the Technical Outreach Assistance and Support Team (TOAST) and included in the overview. The Coalition will work with TOAST, ODFW, USFS and BLM to compile more detailed information concerning fish and wildlife populations and habitat components, with a special emphasis on focal species. They will work with state and federal biologists to identify data gaps.
- 2. Species Characterization and Status:** The project manager will work with the Technical Team to identify the focal species based upon ESA status, state sensitive species lists, cultural importance and other factors. The list will be reviewed by the Coalition. Based upon the list of focal species, the Project Manager and Technical Writer/Editor will work with agency biologists to delineate and characterize each species and the conditions needed to ensure their long-term sustainability in the subbasin. This work will utilize input from TOAST, the Council and NOAA Fisheries (if necessary) to ensure consistency on appropriate “out-of-subbasin” effects. A draft of this section will be completed by August 2003.
- 3. Environmental Conditions:** The Technical Writer/Editor will develop the description of existing conditions based upon the Subbasin Summary, existing plans and watershed assessments. This description will be reviewed by the Coalition to ensure that it accurately provides benchmarks of the present situation. The Coalition, Technical Team and any subcontractors will then decide on the model to be used in the analysis (such as QHA).
- 4. Ecological Relationships:** The Project Manager and Technical Writer/Editor will then work with TOAST and agency staff to prepare a written assessment of habitat population interactions for the focal species. This section of the assessment will address key functional relationships, processes and functions of the focal species. The Technical Team and the Coalition will review the section.
- 5. Limiting Factors and Conditions:** Based upon the analysis of the environmental conditions and analysis of ecological relationships, the Project Manager, with the assistance of the Technical Team, will identify the limiting factors and conditions that inhibit the ecological processes needed for sustainable populations of the focal species. The description and discussion of limiting factors and condition will be reviewed by the Coalition and documented, including data sources. The analysis of limiting factors and conditions will be integrated with work on the ecological relationships.
- 6. Interpretation and Synthesis:** All the key assumptions will be stated and the key factors that impede optimal ecological function and biological

performance for the focal species will be identified. The Project Manager, with assistance from TOAST and the Technical Team, will synthesize the findings and develop a working hypothesis, characterizing species abundance and productivity, desired future conditions, and identifying opportunities and challenges. Where key assumptions do not have adequate scientific data to support them, such admissions will be stated in the document. An analysis of limiting factors and conditions will be integrated with work on the ecological relationships. The resulting findings will be used to develop scenarios for the management plan. Key assumptions will be stated and key factors impeding optimal ecological function and biological performance for the focal species will be identified. Near-term opportunities will be identified based upon areas that are high priorities for protection for restoration, and for needed reference sites. Interim strategies and actions will be described and prioritized. The full Technical Team and Coalition will review the assessment.

We anticipate completing the subbasin assessment by September 2003.

Inventory

1. Inventory of Existing Projects and Accomplishments: While the assessment is being done, the Project Manager will work with the Technical Team and Coalition to prepare an inventory of existing restoration and habitat activities in the subbasin, in addition to existing regulatory programs. A summary of the current management strategies, habitat protection projects, and on-going restoration projects will be completed. Members of the Coalition and Stakeholders Group, along with other organizations involved in restoration work, will be interviewed and surveyed. Maps of habitat restoration projects and other inventory elements will be created.

The Technical Team and Coalition will review the inventory against the assessment results to identify gaps between actions taken and actions needed. A public meeting will be held to solicit comments.

We will complete the inventory by November 2003.

Management Plan

- 1. Vision:** A vision statement will be developed and written by the Coalition describing the desired future condition of the subbasin. The vision statement will be completed and available for public review by December 2003. The Project Manager will take the lead on working with the Coalition in the development of the vision statement.
- 2. Biological Objectives:** The biological objectives will be based on the vision statement and will encompass ESA recovery goals. They will explain how the limiting factors will be addressed and be used to

describe and quantify the potential changes in biological performance of the focal species. The Technical Team, with the support of TOAST, will develop the biological objectives. They will be reviewed by the Coalition before adoption and will be completed by January 2004.

- 3. Strategies:** Proposed strategies will be developed by the Project Manager and reviewed by the Coalition and Technical Team. Strategy development will begin in November 2003 and conclude in January 2004. Through public participation, strategies will be prioritized and an implementation sequence will be determined to achieve the proposed biological objectives. A strategy for eliminating identified data gaps will be developed and included in the planning document.
- 4. Consistency with Endangered Species Act and Clean Water Act Requirements:** The Project Manager will work with USFWS and NOAA Fisheries (if applicable) to evaluate consistency with ESA requirements and with Oregon Department of Environmental Quality to determine consistency with Clean Water Act requirements. The plan will explain how the objectives and strategies are integrated with recovery goals for listed species and Total Maximum Daily Load implementation plans.
- 5. Research, Monitoring and Evaluation:** Research needs will be identified to ensure that the critical assumptions in the analysis are addressed and data gaps filled. Additional monitoring and research studies that are needed for improved decision-making will be identified. This portion of the plan will be developed by subcontractors and will be reviewed by the Technical Team and Coalition to ensure that it meets decision-making needs and priorities. TOAST will assist with preparation of the monitoring and evaluation component.

Malheur Subbasin Plan

- 1. Public Comments and Revision of Draft Plan:** A draft version of the subbasin plan will be completed by April, 2004. The Coalition will hold a public hearing and will submit a copy of the subbasin plan for review by the Independent Scientific Review Panel (ISRP), Council and other interested public and advisory groups. The Core Partnership will provide outreach presentations, upon request.
- 2.** The final version of the Malheur Subbasin Plan will be submitted to the Council in May, 2004.

Budget

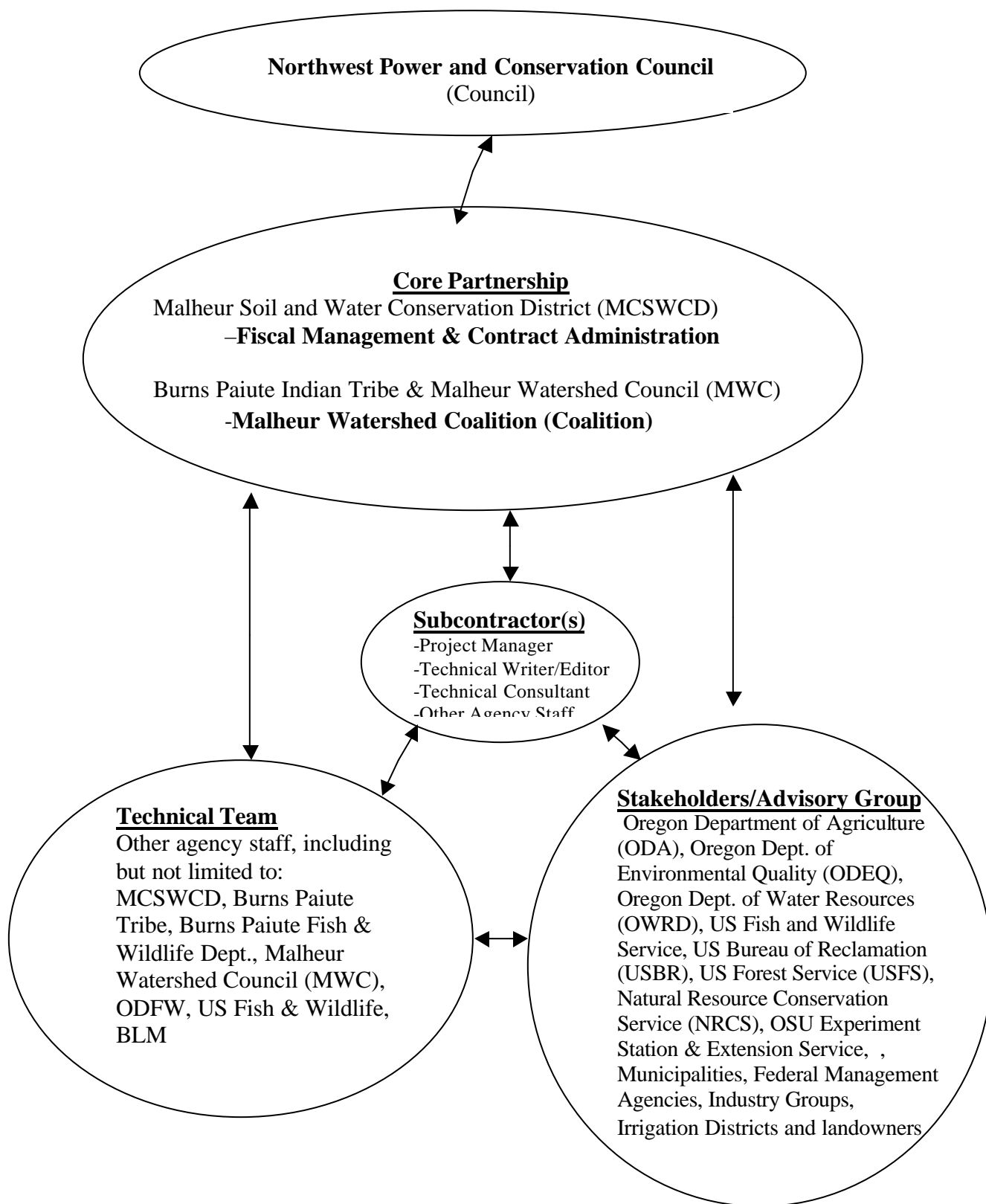
Please see attached spreadsheet.

Assumptions:

1. The Coalition will meet monthly.

2. The Project Manager will coordinate with the Oregon Coordinating Group and the Oregon Subbasin Planning Project Managers throughout the process and coordinate with all subcontractors on all deliverables. The Project Manager/Coalition will also convene any additional technical teams, as needed.
3. Substantial reliance will be placed on TOAST for assistance with modeling analysis.

Figure 1. Malheur Subbasin Organization Structure



Malheur Subbasin Workplan**Statement of Work (Budget detail)****PERSONNEL SERVICES**

Task	Position title	Rate	Hours	Subtotal	Task Total
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Assessment					\$34,775.00
	Subcontractor project Mang.	\$75.00	161	\$12,075.00	
	Technical Writer/Editor	\$30.00	122	\$3,660.00	
	Other Staff	\$40.00	151	\$6,040.00	
	Technical Consultant	\$100.00	130	\$13,000.00	
Inventory					\$10,855.00
	Subcontractor project Mang.	\$75.00	51	\$3,825.00	
	Technical Writer Editor	\$30.00	37	\$1,110.00	
	Other Staff	\$40.00	58	\$2,320.00	
	Technical Consultant	\$100.00	36	\$3,600.00	
Management Plan					\$62,110.00
	Subcontractor project Mang.	\$75.00	254	\$19,050.00	
	Technical Writer Editor	\$30.00	254	\$7,620.00	
	Other Staff	\$40.00	381	\$15,240.00	
	Technical Consultant	\$100.00	202	\$20,200.00	
Total Personnel Services					\$107,740.00

Travel

Expense	Day/nights	Rate	Total
Per diem (federal rate)	14	\$30.00	\$420.00
Lodging (federal rate)	14	\$55.00	\$770.00
Air Travel			
	From/to	Rate	Total
Attend pertinent regional meetings & training	YAK-PDX-BOI	\$250.00 x 3	\$750.00
Car Travel			
	From/to	Rate/mi	# of mi
Mileage to attend meeting/training	0.36	11067	\$3984.00
Total Travel			\$5,924.00

Services & Supplies

	Unit cost	Quantity	Total
Advertising	\$150.00	3	\$450.00
Computer support/software/supplies	\$150.00	12 mo	\$1,800.00
Postage (\$ per month x months)	\$50.00	14	\$700.00
Printing/copying (\$ per copy x copies)	\$0.10	25,250	\$2,525.00
Supplies (\$ per month x months)	\$120.00	14	\$1,680.00
Telephone	\$60.00	14 mo	\$840.00
Total Services & Supplies			\$7,995.00

Subtotal	\$121,59.00
BPA approved indirect rate of 11.11%	\$ 13,517.00
Total	\$135,176.00

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