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September 2, 2003

## MEMORANDUM

**TO:** Fish and Wildlife Committee

**FROM:** Mark Fritsch

**SUBJECT:** Step One Review of the *Coeur d' Alene Tribe Trout Production Facility* (Project #1990-044-02)

### Action

Council staff will present the Step One (i.e. master plan) Review for *Coeur d'Alene Tribe Trout Production Facility*, submitted to the Council by the Coeur d'Alene Tribe (CDA) on January 13, 2003. The submittal is intended to provide information for a plan to artificially rear westslope cutthroat trout for release into rivers and streams in the Coeur d'Alene Lake on the Coeur d'Alene Reservation.

### Recommendation

Council staff recommends that the Coeur d' Alene Tribe Trout Production Facility (Project #1990-044-02) Master Plan not be approved. The recommendation is made with the understanding that a within year request to address funding needs associated with maintaining and/or developing trout ponds may be submitted in the near future. Council staff recommends that such a request be submitted and addressed under Project 1990-044-00, *Implement Fisheries Enhancement Opportunities on the Coeur d'Alene Reservation*.

### Budgetary/Economic Effects

Planning for this facility has cost \$1,049,000 million dollars, and includes master plan completion and submittal, conceptual engineering designs and cost estimation, staffing to complete necessary work for the submission of the master plan and to provide appropriate training for future hatchery personnel, and genetic analysis<sup>1</sup>. Additional planning expenses that

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<sup>1</sup> Includes the cost associated with the current and the previous master plan submittals, but not early baseline surveys associated with Project 1990-044-00.

can be anticipated if Council approval is granted include costs for compliance with National Environmental Policy Act, staffing costs, planning costs associated with step 2 and 3 for preliminary and final designs, and construction management is estimated at \$114,000 in Fiscal year 2004. Cost of preliminary and final designs are estimated to be about \$270,000. Land purchase associated with the facility is estimated to cost \$1 million<sup>2</sup>. Construction of the Coeur d' Alene Tribe Trout Production Facility is estimated to cost \$2,902,585 and is targeted for construction in Fiscal Year 2005. Annual operation and maintenance costs after all facilities are fully developed would cost about \$350,000. Monitoring and evaluation is estimated to cost about \$300,000 annually. These cost figures are based on estimates from engineers' opinion of probable construction costs and the Master plan for the project.

## **Background**

### **1. History of the development of the Coeur d'Alene Tribe Trout Production Facility**

The initial measures for establishing a Coeur d'Alene fish production facility for native trout were amended into the Council Program in 1987. First steps in this process included a baseline stream survey of tributaries located on the Coeur d'Alene Reservation (see 1987 Program Section 903 (g)(1)(B)).

In 1995, the Council adopted the recommendations of the Coeur d'Alene Tribe to improve the reservation fishery that were based on the baseline stream surveys. These recommendations included: 1) Implement habitat restoration and enhancement measures in Lake, Benewah, Evans, and Alder creeks; 2) Purchase critical watershed areas for protection of fisheries habitat; 3) Conduct an educational/outreach program for the general public within the Coeur d'Alene Reservation to facilitate a "holistic" watershed protection process; 4) Develop an interim fishery for tribal and non-tribal members of the reservation through construction, operation and maintenance trout ponds<sup>3</sup>; 5) Design, construct, operate and maintain a trout production facility<sup>4</sup>, and 6) Implement a five-year monitoring program to evaluate the effectiveness of the hatchery and habitat improvement projects (see 1995 Program Sections: 10.8B; 10.8B.1; and 10.8B.20).

Starting in Fiscal Year 1998, the annual prioritization process for projects funded under the fish and wildlife program included a review by the Independent Scientific Review Panel (ISRP), which the Council created in response to a 1996 amendment to the Northwest Power Act. During this initial review, the ISRP recommended a comprehensive basinwide review of artificial production. The ISRP recommended that until completion of that review, the Council "not approve funding for the construction and operation of new artificial propagation programs,"

In July 1997, coincidental to the similar recommendation of the ISRP noted above, Congress directed the Council, with the assistance of the Independent Scientific Advisory Board (this is a panel of 11 scientists who advise both the Council and the National Marine Fisheries Service), to conduct a thorough basinwide review of all federally funded artificial production

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<sup>2</sup> Estimated cost associated with a 20 acres tract of the 103-acre parcel (assumes total cost of \$5million).

<sup>3</sup> Phase 1, as describe in the master plan.

<sup>4</sup> The focus of the master plan (Phase 2, 3 and 4).

programs and to recommend as part of this review 1) a coordinated policy for future operation of artificial production programs and 2) means of obtaining such a policy.

Two months later, in September 1997, the Council adopted a policy that built upon the master plan element of its program to ensure that 1) new artificial production projects would be considered by the Council while the Artificial Production Review<sup>5</sup> was under way, 2) ensure these projects would be considered in the context of their roles and potential impacts within specific subbasins and 3) receive the detailed scrutiny recommended by the ISRP prior to approval. This policy is known as the “three-step review.” It calls for “new production initiatives” to follow a basic development process that has three main steps or phases: (Step 1) conceptual planning, represented under the 1995 Program primarily by master plan development and approval; (Step 2) preliminary design and cost estimation, and environmental (i.e. National Environmental Policy Act and Endangered Species Act) review; and (Step 3) final design review prior to construction. In adopting the Three-Step Review Process, the Council agreed with the ISRP’s recommendation to make use of independent peer review for projects as they move through each stage of the process.

Linking environmental review and funding commitments to specific phases allowed the project sponsor and the Council to move from the conceptual to final design in steps, avoiding over commitment of resources at the early stages. The Council found that this step review process provided an orderly way to develop complex and large projects and has adopted it as a tool in making decisions<sup>6</sup>. The Council must approve a project advancing to each step in the review.

On November 15, 1999 the Coeur d’Alene Tribe submitted to Council a master plan, as the first step in the three-step review process. The proposed artificial production program was designed to produce 10,000 catchable sized rainbow trout for the five catch out ponds and up to 100,000 fingerling cutthroat trout for restoration efforts in the target tributaries (i.e. Alder, Benewah, Evans and Lake creeks). Broodstock would be collected from each of the four target tributaries. These fish will be collected as migrating juveniles and held until adults in order to minimize affects on the natural populations. Each year, initially, 100-200 juveniles will be collected from the same sites in the target watersheds. These fish will be individually marked and placed into separate raceways. As these fish mature they will be used as broodstock. Westslope cutthroat trout will be initially stocked as juveniles. It was also proposed that eyed rainbow trout eggs be purchased and raised in the hatchery. When ready the rainbow trout would be outplanted into the five catch out ponds. As fish are removed from the pond, more will be added with a maximum of up to 2,000 per pond annually.

Council staff prepared an issue paper (Council document 99-17) on the above master plan and released it on December 7, 1999. The Council invited comment on the issue paper at the January 12 and February 1, 2000 meetings and accepted written comments through February 4, 2000. The key issues focused on genetic and ecological risk, habitat, basin planning, catch-out ponds, ESA listing and harvest management. No oral comments were made regarding this

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<sup>5</sup> The Council adopted the Artificial Production Review report (Council document 99-15) at its October 13, 1999 meeting. This report contains a set of policies intended to guide the use of artificial production in the Columbia Basin.

<sup>6</sup> On October 18, 2001 the Council adopted an updated review process called the Major Project Review process that incorporating the three-step review process (Council document 2001-29).

project at the two meetings where a request was made. The only comment received occurred on February 4, 2000 in written form from Idaho Fish and Game (IDFG). Many of issues inherent in IDFG comments were addressed in the Independent Scientific Review Panel (ISRP) review associated with their review of the submitted master plan (ISRP document 2000-1).

At the April 5, 2000 meeting in Boise, the Council approved the master plan for the Coeur d'Alene Tribe Trout Production Facility. While it approved the master plan, the Council requested a report, prior to any other activity associated with the development of preliminary designs, that provided a detailed analysis of the yields from the test wells and an analysis on the most cost effective and efficient means to provide trout for the catch out ponds. In addition, the Council requested that the report clearly address the issues raised in the issue paper (Council document 99-17) and ISRP review (ISRP document 2000-1), especially as it relates to the limiting water.

On February 5, 2001 Council received from J-U-B Engineers, Inc a report entitled *Analysis Of Well Yield Potential For A Portion of the Coeur D'Alene Reservation Near Worley, Idaho*. This report was followed by an additional report, from the Coeur d'Alene Tribe on March 28, 2001, that include a memo addressing the well analysis report (with additional attachments) and cost effectiveness regarding trout for the catch-out ponds. The report and additional document were intended to address the conditions placed on the project as part of the step approval by Council on April 5, 2000. The water report confirmed the complex nature of the dynamics of the hydrogeologic setting of the well network in the vicinity of the proposed facility. The report concluded that additional evaluations were needed to understand the nature of the proposed ground water system.

Due to the timing of the water evaluation report submittal and the other elements of the pre-step 2 submittal (i.e. including the Council's request regarding the water analysis and rainbow cost effectiveness documents prior to any activities associated step 2) the Council recommended that direction to proceed to preliminary design (i.e. step 2) be addressed as part of the upcoming provincial review.

On June 27, 2001 Council approved funding recommendations for the Mountain Columbia provincial review<sup>7</sup>. The Council concluded that the ISRP's criticisms, as part of their review of project proposals for the Intermountain Province, were so severe that further consideration of the existing artificial production proposal would be unsuccessful if returned to the ISRP for review<sup>8</sup>. The Council decision recommended that the Coeur d'Alene Tribe be provided an opportunity to revise the project concept. That would be an opportunity to consider the challenges observed for an artificial production approach and develop a new conceptual design. This would be a "step one" review (i.e. master plan) in the Council process for artificial production projects<sup>9</sup>.

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<sup>7</sup> Since the time of this decision the activities associated with the Coeur d'Alene subbasin have been realigned to the Intermountain Province.

<sup>8</sup> The ISRP (ISRP document 2001-4) recommended no funding for the Coeur d'Alene Tribe's proposed trout production facility (#1990-044-02). The central criticisms are the basis for artificial production assumptions and predation in Lake Coeur d'Alene. The project sponsors ask that the Council allow the current proposal to continue in "Three-step" review, notwithstanding the ISRP's criticisms

<sup>9</sup> As part of the provincial/step decision the tribe utilized approximately \$132,000 of their remaining Fiscal Year 2001 budget to initiate a study on the food habits of the predatory fishes and alternative site analysis (per ISRP

To accomplish the task of revising the project concept the Coeur d'Alene Tribe formed an Interdisciplinary Team comprised of eleven recognized scientists in the fields of hatchery construction, hatchery life support systems, fish ecology, and fishery management. The Coeur d'Alene Tribe and the team built upon the critical uncertainties raised in the previous master plan review and highlighted the importance of research/monitoring and evaluation strategies in the development of a new master plan. This "new" master plan and supporting documents were submitted to the Council on January 13, 2003.

## 2. Updated Master Plan

The updated master plan and supporting documents provide information for a plan to produce adfluvial westslope cutthroat trout for release into rivers and streams in the Coeur d'Alene Lake basin on the Coeur d'Alene Reservation. This native fish restoration facility is for producing sufficient numbers of locally adapted fish to meet the harvest and research needs identified by the Coeur d'Alene Tribe.

The Coeur d'Alene Tribe is proposing that the Bonneville Power Administration (BPA) implement the proposal in phases to provide interim fishery benefits while the hatchery program is developed and refined based on evaluations of critical uncertainties.

- Phase 1 allows for immediate harvest opportunities utilizing trout ponds for purchased rainbow trout release<sup>10</sup>,
- Phase 2 allows for harvest opportunities of released cutthroat trout in reservation streams currently lacking fishable populations,
- Phase 3 calls for the re-establishment of sustainable native cutthroat trout populations in natal streams, and
- Phase 4 represents the ultimate goal of providing sustainable harvest opportunities of cutthroat trout on the Coeur d'Alene Reservation.

Based on the production objectives identified by the CDA, the facility will contribute 65,000 fingerlings (1.5 inches), 27,000 juveniles (4.0 inches), and either 20,000 adults (8-10 inches) or 17,000 adults (13 inches) at full capacity. At full production, the Coeur d'Alene trout facility is conservatively designed to hold a maximum of 247,200 cutthroat (23,780 pounds) at various sizes and ages. It is anticipated that 6 to 8 years will be required to fully develop a cutthroat broodstock and achieve full cutthroat trout production. Releases of fish will target specific water bodies for research and harvest. Release numbers are based on interim fishery, research, and evaluation objectives. Future release numbers will be revised based on results of initial investigations.

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comments). Out years will focus on planning in Fiscal Year 2002 and construction in 2003. Funding in Fiscal year 2001 and 2002 (\$244,616) is conditioned on the implementation of the predation study and alternate site evaluations only, future funding is dependent on a favorable step review.

<sup>10</sup> Phase 1 is addressed under Project 1990-044-00, *Implement Fisheries Enhancement Opportunities on the Coeur d'Alene Reservation* (FY 2001 Project Proposal, Section 5, objective 3).

<i>Number of Fish</i>	<i>Size/Weight</i>	<i>Species/Life Stage</i>	<i>Pounds Produced</i>
1,600	12 inch/0.75 lbs	CTT/Broodstock	1,200
130,000	1.5 inch/1.2 lbs per 1,000	CTT/Fry	156
55,000	4 inch/22.6 per 1,000	CTT/Fingerling	1,243
24,000	7 inch/111 per 1,000	CTT/Adults	2,664
20,000	8-10 inch/272 per 1,000	CTT/Adults	5,440
<u>17,000</u>	13 inch	CTT/adults	<u>13,080<sup>1</sup></u>
247,600			23,780

<sup>1</sup>*Produced using grow-out ponds.*

Sources of hatchery broodstock will be developed consistent with program fishery and conservation goals based on fish availability and a careful benefit risk analysis. Potential alternatives include: 1) natural-origin fish that preserve attributes of the wild populations and minimize risks associated with straying, 2) sterile triploids that pose little risk of introgression, and/or 3) a hatchery stock selected to minimize overlap with natural spawners.

Effective monitoring is critical to a successful program. Effective monitoring determines whether the action completed achieved the objective. The monitoring program as outlined in the master plan will be critical to the effective and efficient adaptive management of this phased natural and artificial production program and the understanding of the critical uncertainties as it relates to these westslope cutthroat populations. Hatchery evaluations are one component of the proposed integrated program that also addresses management of resident and adfluvial forms of cutthroat trout and evaluations of the habitat restoration program.

Specific objectives and benefits of the Coeur d'Alene Tribe Trout Production Facility include:

1. Provide interim fishery opportunities until habitat measures can restore natural cutthroat trout populations to productive self-sustaining harvestable levels.
2. Identify factors limiting the viability and productivity of native cutthroat trout populations and resolve critical uncertainties in cutthroat biology and population dynamics that currently constrain preservation and restoration planning.
3. Experimentally evaluate the feasibility of conservation-based hatchery measures for cutthroat trout protection, restoration, and use, including reintroduction and supplementation.
4. Participate as an active and fully vested partner in fish conservation, fishery development, and fish management.

In addition, this effort is in conjunction with habitat restoration in four target watersheds (i.e. Lake, Benewah, Evans, and Alder creeks - Project 1990-044-00, *Implement Fisheries Enhancement Opportunities on the Coeur d'Alene Reservation*) and is a prerequisite to realizing Phases 3 and 4. The stability of native westslope cutthroat trout populations ultimately depends on effective habitat restoration measures currently being implemented by the Coeur d'Alene Tribe in cooperation with Federal, State, and local partners.

### 3. The Three-Step Review Process

On January 13, 2003 the Coeur d'Alene Tribe submitted the step one (i.e. Master Plan) and associated documents for the *Coeur d'Alene Tribe Trout Production Facility* (#1990-044-02). The step one submittal is intended to address the conditions placed on this project as part of the Three-Step Review process and included the following elements.

- Interdisciplinary Team Letter
- Executive Summary
- Master Plan and Supporting Documentation Reference Chart
- Coeur d'Alene Tribe Trout Production Master Plan
- 3-Step Documentations
- Annual Reports

On January 30, 2003 Council staff submitted to the ISRP the step one documents received from the Coeur d'Alene Tribe.

On March 17, 2003 the ISRP provided the Council with their review of the Coeur d'Alene Tribe Trout Production Facility Master Plan (ISRP 2003-5). The ISRP recommendation was not to support funding for the *Coeur d'Alene Tribe Trout Production Facility*. The ISRP stated that the proposal did not overcome previous scientific soundness shortcomings that it had identified in earlier reviews of the project; especially issues related to how hatchery reared cutthroat trout fit into a system that is only marginally suitable for them. The ISRP found that the proposal did not provide a convincing basis to expect significant and sustained increases in adfluvial adult cutthroat trout in Reservation streams and that the proposed strategy will further stress any natural population in a stream and handicap efforts to protect wild stocks.

#### 4. Issue paper and comments

On April 9, 2003 the Council released an issue paper (Council document 2003-03) on the master plan to invite public comment, as part of the review of a master plan, by the ISRP and Council. In particular, public comment was requested on key issues listed in this issue paper. The Council invited comment on the issue paper at the May 6 - 7 and June 10 -12, 2003 meetings and accepted written comments through June 13, 2003. The key issues focused on genetic risk, habitat, and subbasin planning. The issue paper is not intended to constrain alternatives the Council may consider or limit Council action on this project, but to initiate dialogue with interested parties in the basin.

On June 9, 2003 written comments were received from the Idaho Department of Fish and Game (IDFG). This information was formally presented to the Council on June 10, 2003 by IDFG staff. Generally, the IDFG had concerns similar to those raised by the ISRP regarding current conditions and the likelihood of achieving the stated goals. In addition, the IDFG had comments on the costs of the proposal, and suggested alternative approaches as a more cost-effective means of meeting the goals.

Based on the oral and written comments from IDFG, the Coeur d'Alene Tribe requested an additional month for the public comment period<sup>11</sup> so that the alternatives suggested by the IDFG could be evaluated. As of August 1, 2003 no additional information has been received from the Coeur d'Alene Tribe.

Written comments were also received from the Upper Columbia United Tribes (UCUT) on June 26<sup>th</sup>, South Fork Trout Farm on June 2<sup>nd</sup>, and the Coeur d'Alene Tribe on June 13, 2003. In addition, comments were received from the Fish and Wildlife Service, Upper Columbia Fish and Wildlife Office, on January 21, 2003. These written comments provided support to the proposal.

At the June Council meeting, the CDA Tribe requested an additional month to address the comments received regarding the master plan and to evaluate the alternatives that the IDFG had suggested. The request was granted, and the comment period was extended for an additional month. Council action on the step one submission was scheduled for the August meeting.

On August 1, 2003 the Council received a letter from the Coeur d'Alene Tribe providing additional comments regarding the step one review for the "Coeur d'Alene Tribe Trout Production Facility" (see Attachment 1). The letter was supportive of the review process and requested additional time and support to address the uncertainties that exist with the proposal. This request is based on recent discussions with the co-managers that defined additional information needed to understand Coeur d'Alene Lake and achieve the Tribal goals and objectives for cutthroat trout.

The August 1 CDA Tribe letter was followed by an additional request from the CDA Tribe, just prior to the Council's August meeting, to remove the agenda item regarding the step review of the Coeur d'Alene Tribe Trout Production Facility from the meeting agenda until the September meeting. The request for delay was sought to provide additional time to address concerns raised by the Council staff recommendation document that was to be presented to the Fish and Wildlife Committee at the August meeting.

On August 24, 2003 a conference call with CDA Tribe, BPA, Council and CBFWA staffs occurred to discuss the current status of the project. The CDA tribe has concerns regarding the current Council staff recommendation. The CDA Tribe is not satisfied that the Council staff recommendation addresses its proposed needs for the trout ponds. In addition, the CDA Tribe requested that funding for the full breadth of the project is maintained through October and the anticipated Council decision<sup>12</sup>. During this discussion, Council staff determined that the contractual elements (i.e. rainbow for stocking, O&M and M&E) associated with the trout ponds were either in the "Coeur d'Alene Tribe Trout Production Facility" (Project #1990-044-02)<sup>13</sup> or were omitted from Project 1990-044-00, "Implement Fisheries Enhancement Opportunities on

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<sup>11</sup> The public comment period was originally schedule to close on June 13, 2003. The Council addressed the request and recommended the month extension.

<sup>12</sup> On May 7, 2003 the Council recommended that Bonneville reallocate \$39,988 from the capital funds to maintain the Coeur d'Alene Tribe Trout Production Facility Project - #1990-044-02 until the step review decision defines the future direction of the project.

<sup>13</sup> Section 5, Objective 3, task a. Plant rainbow trout @ \$32,853.



*the Coeur d'Alene Reservation*” where the ponds had originally been addressed prior to the provincial reviews.

On August 26, 2003 a second letter was received from the Coeur d’Alene Tribe (see Attachment 2) regarding the conference call that had occurred on the August 24, 2003. The letter stressed the need to accomplish the harvest opportunities as defined in their updated master plan (i.e. Phase 1) and the original Program language (see 1995 Program Sections: 10.8B; 10.8B.1; and 10.8B.20). This would include the construction of three more trout ponds, purchase of fish, and the O&M of the ponds. In addition, the CDA Tribe requests that certain phase elements of the updated master plan be approved and that the other phase elements continue to be supported.

### **Analysis**

The first letter received from the CDA Tribe (August 1, 2003) was supportive of the review process and requested additional time and support to address the uncertainties that exist with the proposal. This request is based on recent discussions with the co-managers (e.g. Idaho Department of Fish and Game) that defined additional information needed to understand Coeur d’ Alene Lake and achieve the Tribal goals and objectives for cutthroat trout.

Based on the comments received from the Idaho Department of Fish and Game, and as expressed by the testimony that the Council received from the Coeur d’Alene Tribe at the June meeting there seems to be a need for the managers to explore other alternatives in an attempt to accomplish the goals of the proposed project. The letter received from the Coeur d’Alene Tribe on August 1, 2003 confirms these needs.

The second letter received from the CDA Tribe (August 26, 2003) raised concerns related to funding support for trout ponds; seeks Council support for approval of certain master plan elements now; and seeks Council support for continued work on other master plan elements that the ISRP and Council staff remain critical of.

The “updated” master plan continues to have problems in justifying a sound scientific foundation for proposed artificial production program. It seems that the proposed program does not fit into the context of the environmental conditions that exist. This is the primary general criticism that the independent scientific reviews have repeated in the provincial review and the two step reviews that have been conducted to date.

Over the past two years, the independent scientific reviews have identified problems, and the Council has provided an opportunity for the sponsor to address these. However the sponsor’s attempts to propose biological and technical justification have not been able to convince the ISRP that the basic problems with the proposal can be overcome. In fact, as the sponsor itself has stated, each additional review of the ISRP seems to identify different and additional problems. The staff is of the opinion that adequate time and guidance has been provided to the sponsor to attempt to successfully address the concerns and issues raised throughout the history of this project in the step submittal.

Understanding that the most recent submittal was intended to address conditions and uncertainties raised during the previous reviews, and given that the concerns raised by the ISRP

in this review are very similar to the comments provided during previous reviews, it does not appear that sufficient progress is being made in working this project into one that the Council can be confident is scientifically sound.

The staff agrees with the CDA Tribe that there is a need to address, and jointly define expectations regarding the trout ponds element of this program. It is Council staff understanding that there are currently 2 of the 5 ponds constructed. The remaining sites have been identified, but have not been constructed. Since activities associated with the trout ponds have not been incorporated into other existing proposals<sup>14</sup> that were reviewed as part of the provincial review (construction, O&M and M&E) there is a need for the CDA Tribe to initiate a within-year request to address the needs associated with constructing the additional ponds, fish stocking, and operating and maintaining all trout ponds. It is anticipated that the CDA Tribe in the near future will be submitting a within year request to address the needs associated with the trout ponds. Council staff recommends that these needs be submitted and addressed under Project 1990-044-00, *Implement Fisheries Enhancement Opportunities on the Coeur d'Alene Reservation*, that was the original project that identified the activities associated with the trout ponds.

As an alternative to the staff recommendation that the Council not approve the step one submittal, the CDA Tribe requests that certain elements (favorably reviewed) of the master plan be approved and implemented. Specifically, the CDA Tribe seeks approval of Phase 1 of the master plan that deals with immediate harvest opportunities utilizing trout ponds. Additionally, the CDA Tribe requests that separate components of the plan (i.e. Phase 2 - 4) be further supported and funded until they receive a favorable ISRP review.

Council staff recommends that the Council not approve the step one master plan, and that the “Coeur d' Alene Tribe Trout Production Facility” (Project #1990-044-02) no longer be funded. Council staff believes that if this or a similar proposal is going to be pursued in the future, most likely in subbasin planning, that the assessment, goals and strategies of the appropriate subbasin plan will need to support it. The staff recommendation is based on its belief that the approval of a master plan in step one of the review process defines the foundation of the proposed project. This step of the review process is the one that establishes the goals and objectives of the proposal. If the proposal has not passed scientific merit in its entirety, piecemeal approval of its varied components should not occur. Rather, it is critical in this step to have a cohesively ordered and planned proposal that withstands scientific review scrutiny, while defining how the program meets the goals and strategy of the Tribes’ fish and wildlife program.

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<sup>14</sup> Only the cost associate with the purchase of fish for the trout ponds were cover in *Coeur d' Alene Tribe Trout Production Facility Project* - #1990-044-02 - Section 5, Objective 3, task a. Plant rainbow trout @ \$32,853.

**Attachment 1: Letter received on August 1, 2003 from the Coeur d'Alene Tribe regarding the Step One review for Project 1990-044-02.**



**COEUR D'ALENE TRIBE**

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PLUMMER, IDAHO 83851  
(208) 686-1800 FAX (208) 686-1182

REFERENCE:

August 1, 2003

Ms. Judi Danielson, Chair  
Northwest Power and Conservation Council  
851 S.W. Sixth Ave. Suite 1100  
Portland, Oregon 97204

Dear Ms. Danielson:

The Coeur d' Alene Tribe submits the following comments regarding the step-1 submittal process for our Tribal trout production facility. The Tribe has continued to consider and refine the plans for the hatchery in order to maximize the potential to achieve our goals and objectives for cutthroat trout management. The step-1 process has indeed been viewed by the Tribe as an opportunity to collaborate with others to achieve that end.

In our earlier testimony to the Northwest Power and Conservation Council, we committed to initiate discussions with the Idaho Fish and Game, USFWS and others. As a result of those discussions we have assembled several positive amendments to our near term cutthroat objectives. It should be noted, however, that the Coeur d' Alene Tribe remains very supportive of the Updated Hatchery Master Plan submitted during the step process. The Tribe believes that the plan offers a credible approach to providing meaningful subsistence harvest, enhanced understanding of the fishery through specific research and monitoring, and eventual population recovery. With that said, several other short-term projects have been identified that would contribute to the Tribe's understanding of the Lake Coeur d' Alene system as it relates to our hatchery design plans. They include: 1) the development of research methodology that addresses limiting factors relating to carrying capacity and predation issues identified in peer reviews and 2) a feasibility study addressing existing infrastructure at a site identified by the Idaho Department of Fish and Game. These two initiatives would allow the Tribe to collect and analyze additional information towards achieving their cutthroat trout goals and objectives. The Tribe feels that this would be an extension of the step-1 process.

As stated in earlier testimony, the Tribe continues to grapple with difficult problems of how to restore fishing opportunities and protect native species in the face of widespread habitat changes and other actions that have eliminated historic cutthroat trout resources. The proposed hatchery and cutthroat trout restoration program is a credible attempt to address these problems. The step process has raised a variety of limitations, concerns, and objections and the Tribe has conscientiously strived to address them. The suggested alternative approaches will ensure that the Tribe is given the opportunity to address the uncertainties in a scientifically driven fashion.

Sincerely,

Alfred M Nomee  
Director of Natural Resources  
Coeur d'Alene Tribe

**Attachment 2: Letter (draft) received on August 26, 2003 from the Coeur d'Alene Tribe regarding the Step One review for Project 1990-044-02.**



**COEUR D'ALENE TRIBE**

850 "A" STREET  
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REFERENCE:

August 25, 2003

Ms. Judi Danielson, Chair  
Northwest Power Planning Council  
851 S.W. Sixth Ave. Suite 1100  
Portland, Oregon 97204

Dear Ms. Danielson:

The Coeur d' Alene Tribe wishes to summarize our intentions related to our updated Master Plan associated with project #199004402. This project has addressed several key elements of planning, including: 1) site feasibility studies; 2) water quantity and quality assessments; 3) conceptual designs and cost opinions; 4) preliminary lake predation studies; and 5) development of project objectives and monitoring protocols. These elements allow the Coeur d' Alene Tribe to implement a phased program that addresses immediate harvest opportunities utilizing trout ponds (Phase I), allows for harvest opportunities of released cutthroat trout in reservation streams (Phase II), reestablishes sustainable native cutthroat trout populations in natal streams (Phase III), and provides long term sustainable harvest opportunities of cutthroat trout on the Coeur d' Alene Reservation.

The Coeur d' Alene Tribe has evaluated the input throughout the 3-Step process and recommends proceeding with elements of the updated master plan that have been favorably reviewed. Additionally, those elements that have been met with continued questions will be addressed in our ongoing research efforts associated with project #199004402. It was the Tribes understanding of the 3-Step process that favorably reviewed elements of the program would proceed on schedule. One such element of the Master Plan is the Phase I implementation of the immediate harvest opportunities through implementation of five constructed trout ponds.

The Coeur d'Alene Tribe prioritizes the goal of maximizing harvest opportunities for both tribal and non-tribal members on the Reservation. The updated master plan allows the Tribe to progressively accomplish a phased system of providing harvest (put and take) as well as recovery. The Tribe's intent is to proceed with the design, construction, operation, and

monitoring of five trout ponds on the Reservation. This phase of the project was first reviewed by the ISRP in 1999 for FY2000:

***Fund.** The original proposal was generally excellent. The response to the ISRP's questions about Objective 3, the construction of put-and-take trout ponds, was of equally high quality. It is clear that the Tribe has thought through their management strategy, has emphasized native stocks, but also needs some interim fishing opportunities to take pressure off the native fish restoration efforts. The put-and-take ponds seem well located (in closed basins not accessible to native species) and are designed to avoid the problems that concerned the ISRP. (ISRP 99-4)*

In the most recent reviews (ISRP 2001-4 and 2003-5) the ISRP chose not to comment on this phase of the project. In ISRP 2003-5 the following was noted about phase 1 of the master plan:

*Production and planting of catchable sized fish in Reservation streams could provide harvest for short-term, intensive fisheries similar to fisheries produced by stocking reservation ponds with rainbow trout,*

It appears that the ISRP believes that BPA funded fisheries are already occurring in the trout ponds. Most likely this is the reason they chose not to comment on that phase of the project. Since previous reviews were positive it would seem appropriate that BPA continue to fund phase one in its entirety and on schedule. This would include construction of three more ponds and an annual allocation for purchase of catchable sized fish and O&M on the ponds. Additionally, in 1995 the Northwest Power and Conservation Council (NPCC) supported the recommendations of the Coeur d'Alene Tribe to improve the reservation fishery and approved the following measure into its F&W Program:

*Measure 10.8B.20 - 3) develop an interim fishery for tribal and non-tribal members of the reservation through construction, operation and maintenance of trout ponds. (NPCC 1995 F&W Program)*

Subsequently, this measure was adopted into the 2000 F&W program. This measure was continued in the subbasin summary process and will also be prominent in the subbasin plan to be developed later this year. In conjunction with this effort, the Tribe will research the feasibility of purchasing cutthroat trout from regional growers to provide a native fish for subsistence purposes as described in the master plan. Both the USFWS and IDFG feel that this step will work. The USFWS states that this is proactive and a necessary first step in addressing the needs of the ecosystem and the Tribe. As well, the IDFG state in their letter to the Council that these intensive fisheries would most likely be successful and have the highest probability of meeting the Tribal harvest goals. The Tribe continues to consult with both the USFWS and IDFG on these matters as they develop.

In order for the Tribe to continue efforts to address Phases II-IV of the Master Plan, it is necessary to gather additional information concerning the carrying capacity and species interaction in Coeur d'Alene Lake. The following criticisms were central to the ISRP's concerns:

*The limiting factors on production include: 1. predation and competition by introduced species, 2. increased water temperatures and altered lake levels from hydropower*

*operations, which further favor the introduced species, 3. and fishing pressure. (ISRP 2003-5)*

*and*

Existing information suggests that “carrying capacity” of the system for cutthroat trout has been drastically reduced. For the project to have any real chance for success, food and space resources for cutthroat trout have to be re-established and maintained. Given the present conditions, stocked cutthroat trout will serve only intense, short-term fisheries and the large populations of predators and competitors in the lake. (ISRP 2003-5)

The Tribe is continuing work on predation, competition, and carrying capacity. The Tribe would like continued support from BPA and the Council to design a systematic empirical scientific investigation of these limiting factors such that the concerns of the ISRP can be worked out. The Tribe proposes to initiate the scientific design of such a study that would address the key concerns outlined in the recent ISRP review of the Master Plan. Additionally, the Tribe is working with others on studies related to hydropower and altered lake levels on water quality and temperature. Furthermore, the Tribe maintains that regulation of fishing rules adequately will address the concerns of the ISRP. Previously the ISRP commented:

*Effects on wild-spawned adfluvial trout of fisheries directed at hatchery-released trout can be minimized by harvest regulation. Trout produced from the Facility will be identifiable by external marks (excised adipose fins.) Anyone catching an unmarked trout can be required to release it unharmed. Specific harvest regulations, coordinated with the Idaho Department of Fish and Game who manage part of the Lake’s fisheries, remain to be developed. This condition can be met by further development of a harvest plan in conjunction with the monitoring and evaluation plan. (Three-Step Question 8. Harvest Plan) (ISRP 2000-1)*

The ISRP has addressed their own concern in that these types of regulations can alleviate impacts on wild fish. We agree with the ISRP and have and will continue to work with IDFG to do the best job possible to maintain fisheries that have little impact on wild stocks.

The Tribe requests that the favorably reviewed Phase I element of the master plan be approved and allowed to continue through design and implementation. Other elements of the program that require additional research and effort will be a continuation of the refinement of Step 1. Given continued concerns regarding supplementation and restoration efforts the Tribe would like to reiterate the highest priorities of providing cutthroat trout fishing opportunities for the reservation community. This suggested approach will allow the Tribe to fulfill one of the key components (tribal harvest opportunities) of our anadromous fish mitigation program, while allowing uninterrupted continuance of our efforts to address other outstanding anadromous fish mitigation elements.

Sincerely,