

JUDI DANIELSON
CHAIR
Idaho

Jim Kempton
Idaho

Frank L. Cassidy Jr.
"Larry"
Washington

Tom Karier
Washington

Steve Crow
Executive Director



MELINDA S. EDEN
VICE-CHAIR
Oregon

Gene Derfler
Oregon

Ed Bartlett
Montana

John Hines
Montana

February 10, 2004

MEMORANDUM

TO: Fish and Wildlife Committee Members

FROM: Mark Fritsch

SUBJECT: Status of *Northeast Oregon Hatchery Spring Chinook Master Plan*, Project #1988-053-01

Action

Council staff will present a status review of the *Northeast Oregon Hatchery Spring Chinook Master Plan*, Project #1988-053-01 at your meeting on February 17th. The report is intended to be informational and provide an update to the Fish and Wildlife Committee on the current status of the project.

Background

The Nez Perce Tribe, Oregon Department of Fish and Wildlife and the Bonneville Power Administration initiated the Northeast Oregon Hatchery (NEOH) project in 1988. Initially designed to address spring chinook, steelhead, coho, sockeye and fall Chinook, NEOH has evolved over time. The master planning development refocused on phasing in rebuilding goals. The Master Plan focused on addressing current levels of production under the Lower Snake River Compensation Program using new and improved techniques for artificial production. The reason for this refocus on current production levels was driven primarily by Endangered Species Act requirements and constraints for hatchery production, and facility limitations that were compromising the ability to achieve the production that had already been agreed to by the managers and permitted by NOAA Fisheries. On September 20, 2000 the Council provided a conditional approval of the Step One submittal (the Spring Chinook Master Plan). The Council also established its expectations for the Step Two submittal.

On May 22, 2003 the Nez Perce Tribe and the NEOH Core Team¹ submitted the step two documents intended to address the above conditions that were placed on the project as part of the step one review. The Step Two submittal consisted of preliminary design of facilities, cost

¹ ODFW, CTUIR, and USFWS

estimates, and Draft Environmental Impact Statement. For the Step Two submittal, the NPT was also responsible for addressing concerns raised by the Council during previous reviews and decisions.

On August 12, 2003 the ISRP completed the review of the step submittal (ISRP document 2003-12). The ISRP continued to have concerns with four of the previously identified issues². A primary issue of concern regards the current detail of the Monitoring and Evaluation Plan.

The Draft Environmental Impact Statement (DEIS) was released for public review in May 2003. Because proposed NEOH facilities were either within (Imnaha Final Rearing Facility and Imnaha Satellite Facility), above (Lookingglass Hatchery), or below (Lostine River Hatchery and Lostine Adult Collection Facility) a designated Wild and Scenic River corridor, Bonneville Power Administration (BPA) entered into a Wild and Scenic Rivers Act (WSRA) Section 7 consultation with the federal agency responsible for administering the WSRA. The U.S. Forest Service (USFS) reviewed the DEIS to determine if the proposed facilities would have adverse effects to the Imnaha and Lostine Rivers. Their preliminary determination was that the Imnaha Final Rearing Facility as proposed adversely affected the free-flowing nature of the Imnaha River (see letter attachment 1).

The NEOH Core Team determined that the concerns raised by the USFS created too much uncertainty regarding the future of the proposed Imnaha Final Rearing Facility (i.e. Marks Ranch). A sub-group of the NEOH Core Team developed alternatives in the event the Imnaha Final Rearing Facility had to be dropped from the NEOH project. BPA contracted with an engineering consultant company to analyze the sub-group alternatives and to develop additional alternatives. The NEOH Core Team in January 2004 decided to abandon the Imnaha Final Rearing Facility as part of the NEOH project and to support an alternative that called for a 50:50 split of the Imnaha stock between the proposed Lostine River Hatchery and a modified Lookingglass Hatchery.

The preferred alternative was supported by co-managers³ for several reasons:

- splitting the stock minimizes risks associated with a catastrophic event,
- provides more flexibility for co-managers,
- acceptable “footprint” (the actual area of disturbed ground) of both hatcheries,
- acceptable environmental impact caused by both hatcheries, and
- promotes true co-management and better relationships.

Status

- On October 27, 2003 a meeting was arranged and facilitated by NPCC staff between members of the NEOH Core Team and the ISRP. This meeting assisted the Core Team

² “Overall, this response is much improved over the previous response; however the ISRP has continued concerns for ISRP issue 3 (Genetic breeding plans), issue 5 (forecasting and escapement goals), and with the lack of detail presented in the Monitoring and Evaluation Plan (Appendix A). In addition, parts of the response suggest that integration with habitat issues is not a priority goal” (ISRP 2003-12).

³ To date CTUIR has not provided confirmation of their support for this alternative.

with understanding the remaining ISRP concern regarding the Monitoring and Evaluation Plan. As a result, the NEOH Core Team received recommendations and direction from the ISRP in developing an appropriate M&E plan. The M&E plan is scheduled to be re-submitted and provided to the ISRP in late February 2003. Council staff anticipates that the ISRP review will take approximately 4 weeks.

- The Draft Biological Assessment (BA) was released to interested federal agencies in August 2003. Section 7 of the ESA requires the federal action agency to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA-Fisheries) to determine if the proposed action will adversely affect threatened and endangered species or their habitats in the proposed action area. These federal agencies, after reviewing this draft, were encouraged to comment on content and sufficiency. This would assist BPA in developing the final BA and during formal consultation. It is anticipated that assessment will be completed by the time the Council provides a decision regarding the project.
- The co-managers will confirm the preferred alternative and the engineering company will update plans and cost for the step submittal anticipated on March 1, 2004. This submittal will also reconfirm all conditions placed on this project as part of the Step One approval in 2000 (e.g. MOU outlining co-managers respective responsibilities in the Grande Ronde and Imnaha rivers).
- It is anticipated that the Final EIS will be completed by the time the Council provides a decision regarding the project.
- At this time it is anticipated that the NPT will submit the Step Two submittal on March 1, 2004. If the Biological Assessment and Environmental Impact Statement are nearing completion it is anticipated that Council staff could provide a recommendation to the Fish and Wildlife Committee as early as April with the Committees recommendation being presented to the Council in May for a decision.

Attachment 1: Letter received from the U.S. Forest Service regarding the proposed action associated with the NEOH facilities.

File Code: 2350

Date: August 26, 2003

Ms. Therese B. Lamb
Acting Vice-President for Environment, Fish, Wildlife
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621

Dear Ms. Lamb:

Enclosed is my determination under Section 7(a) of the Wild and Scenic Rivers Act (WSRA) for the Northeast Oregon Hatchery Project. My review is based on the *Draft Environmental Impact Statement Prepared for the Northeast Oregon Hatchery Project Grande Ronde Spring Chinook Project* (NEOH DEIS), May 2003. My determination presumes that water rights are secured for the Imnaha and other facilities. The WSRA Section 7 determination is preliminary, based on the information in the NEOH DEIS. I will make a final determination in response to the NEOH Final Environmental Impact Statement (NEOH FEIS).

Following the NEOH FEIS, the Forest Supervisor of the Wallowa-Whitman National Forest will make a separate decision on whether to issue a special use permit for the Imnaha Satellite Facility modifications, which are located on National Forest lands.

I evaluated proposed project facilities in the Imnaha Wild and Scenic River (WSR) as to whether their construction and/or operation resulted in "direct and adverse effects" on the river's free-flowing condition, water quality, and outstandingly remarkable values, as directed by the language of Section 7(a) of the WSRA. I considered the effects of proposed project facilities below the Lostine WSR and on Lookingglass Creek (tributary to Grande Ronde WSR) as to their effects within the designated river corridors and specific to scenery, recreation, fish or wildlife values, also as directed by language in Section 7(a) of the WSRA. I will not summarize my determination in this cover letter, but do want to draw attention to two significant concerns identified in my determination.

Based on information in the NEOH DEIS, my principal concern is the Imnaha Final Rearing Facility's effects to the river's free-flowing condition due to proposed in-channel structures and to in-channel effects resulting from floodplain protection fill. It is my preliminary finding that the free-flowing condition of the Imnaha WSR would be directly and adversely affected by the Imnaha Final Rearing Facility as proposed. The WSRA protection of free-flow is a fundamental protection afforded by the statute. New construction such as the Imnaha Final Rearing Facility in the floodplain of the river will be difficult to reconcile with protection of the Imnaha WSR's free-flow. Construction and water diversion from a new facility will also create entirely new impacts to in-stream and riparian fish habitat, and the new facility will increase transport and handling stress on juvenile fish. Although it may be possible to alter the facilities design and operation to avoid adverse effects, I also ask that you reconsider the need for this part of the NEOH proposal.

I am unable to make a finding regarding the effect of the proposed action on fish and fish habitat for the Imnaha and Lostine WSR's as part of my preliminary determination. This is because the NEOH DEIS provides insufficient information and analysis to complete my analysis of effects to fish and fish habitat. I also anticipate that the recent recommendations (June 2003) of the Independent Science Advisory Board will be incorporated into design and operation of the proposed facilities, and will be reflected in the NEOH FEIS. The specific additional information and analysis needed for my determination are summarized in my determination and are discussed in detail in the enclosed *Wild and Scenic Rivers Act Section 7(a) Report, NEOH DEIS*. The *Wild and Scenic Rivers Act Section 7(a) Report, NEOH DEIS*, also identifies other concerns and suggested mitigations to better protect the outstandingly remarkable values of the Imnaha WSR. Please consider this report as the Forest Service comment on the NEOH DEIS.

I appreciate your extension of time for my review of the NEOH DEIS. The NEOH DEIS goals for restoration of natural production of spring Chinook are also goals for stewardship of these WSR's. I am committed to efforts to restore natural production of spring Chinook in a manner that protects this species, nontarget fish species, other WSR-related values, and values of surrounding National Forest System lands. I look forward to collaboration with BPA, other Federal and state agencies, and the Nez Perce Tribe on these shared goals.

Sincerely,

/s/

LINDA GOODMAN
Regional Forester

Enclosures

cc: Dave Johnson, Nez Perce Tribal Fisheries, P.O. Box 365, Lapwai, ID 83540; Ken Kirkman, Fish and Wildlife Project Manager, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208; Mickey Carter, Environmental Protection Specialist, Bonneville Power Administration, P.O. Box 3621, Mail Stop KEC-4, Portland, OR 97208; Gary Miller and Randy Tweton, USFWS, 3502 Hwy 30, La Grande OR 97805; Phil Howell, USFS PNW Research Station, 1401 Gekeler Land, LaGrande, OR 97850; David Heller, Jeff Uebel, Susan Sater; Tom Glassford, Kendall Clrk, Forest Supervisor, WAW NF; Jocelyn Somers, USDA Office of the General Council, 1220 SW 3rd Avenue, Room 1734, Portland, OR 97204