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August 31, 2004

MEMORANDUM

TO: Council Members and Fish and Wildlife Committee

FROM: Legal and Fish and Wildlife Divisions

SUBJECT: Description of the staff review of public comment on proposed subbasin plans; staff recommendations for treatment of issues presented in public comment; and proposed schedule for adopting proposed plans into the Program.

ACTION REQUESTED: The Legal and Fish and Wildlife divisions ask that the Council confirm and support the staff recommended treatment of issues identified in public comment and a three track subbasin plan amendment schedule.

Introduction

On May 28, the Council received proposed subbasin plans for 59 subbasins of the Columbia basin, submitted to the Council as recommendations for amendments to the Council's 2000 Fish and Wildlife Program (Program). In the first week of June, the Council released these proposed subbasin plan recommendations for public review and comment, including review and comment by an independent scientific panel made up of members of the Independent Scientific Review Panel and Independent Scientific Advisory Board. The Council received the comments on the recommendations by August 12. Individual Council staff members also reviewed the proposed subbasin plans for consistency with various elements of the Program.

The Council's staff spent the week of August 13-20 reviewing and discussing the proposed subbasin plans and the comments, and evaluating them relative to the amendment standards of the NW Power Act and Program. Because the public comments make points and raise issues in the hundreds if not the thousands, from claims of significant substantive deficiencies to suggested editorial changes, that evaluation required that the staff organize issues into manageable categories and decide (in a provisional sense, recognizing that the Council will make

the final decision) which seem sufficiently serious to bar adoption of a plan into the program at this time, and which may be treated in other ways and are not a bar to adoption. This memo explains the results of the staff's evaluation.

On the basis of the evaluation described below, the staff recommends placing proposed subbasin plan recommendations into one of three tracks. A proposed schedule for completing work in the three tracks is attached.

Track 1: Plans that have no issues that would prevent their being adopted as amendments to the program are in the first track. This does not mean that these plans are free of substantive issues, just that what issues do exist would be more effectively addressed outside of the subbasin planning groups (local, state, and regional) structure that was used through May 28th. The plans in this category are, however, fundamentally sound and ready to serve their primary purpose -- to guide Program funding/implementation processes. The next step will be for the Council staff to package these proposed plans as draft program amendments to circulate for public review prior to program adoption. At this point, the only type of work that we believe plans in this group may be asked to address in the response period is editorial/clean-up

Track 2: The second track is for plans that need significant substantive improvement within the management plan component (the objectives and strategies) that must be addressed before the plan would meet the standards for adoption into the program. The severity of the problems varies widely, but the plans in this track generally have adequate assessments, and thus, an adequate foundation for the needed revision of the management plan. For the plans in this track, the staff estimates that the time and effort necessary to make the necessary improvements is manageable within our existing schedule. We believe it would take no more than 12 weeks, and in many cases less, to bring these plans to an adoptable state. We would seek to rely primarily on the subbasin planning groups we have in place to make these improvements. After the Council receives the response/improvements from the subbasin planners, the next step will be to review those and shape the revised plans into proposed draft program amendments.

Track 3: The third track is for those few plans that are incomplete or inadequate in both assessment and management plan, and require substantially more planning effort to develop a plan that meets the adoptability standards and that can be used to guide funding and implementation processes. Staff will propose particularized guidance and schedules for completing these plans and moving toward program adoption that will likely occur outside of our existing adoption schedule.

Issues

The staff found that most of the significant substantive issues that bear upon the adoptability of plans can be grouped into a handful of broad categories. These issues cut across or are found alike in many of the proposed plans, and could be treated similarly. Four broad issues predominate:

1. **Linkage.** What we called the “linkage” issue, that is, problems with the linkage (or a lack of linkage) between the limiting factors identified in the assessments and the strategies proposed in the management plans -- essentially what the independent science reviewers have called the “logic-path”. Comments or concerns about a lack of prioritization of strategies were a sub-category of the linkage problem, in that the prioritization problem identified could often be traced back to a weakness in making explicit links as to how proposed strategies would address key limiting factors.
2. **Artificial production strategy integration.** Artificial production strategies in or affecting the subbasin but not sufficiently defined, or not integrated with other elements of the subbasin plan.
3. **Monitoring and evaluation.** Inadequate or incomplete provisions for monitoring and evaluation.
4. **Assessments.** Assessments that are not sufficiently developed to guide and inform the development of a management plan that conforms to the requirements of the NW Power Act and Program.

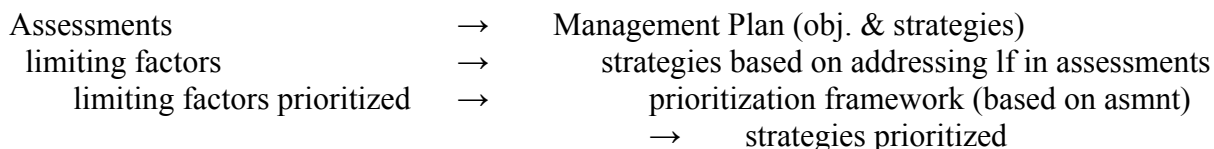
The following issues, as we assess them based on the record to date, do not bear upon adoptability of the plans, but are, nonetheless, significant. We identify them here so that the Council and public understands that we need to address these matters as we move forward in the amendment process or in future planning efforts.

5. **Mainstem habitat.** Mainstem reach plans focused on habitat in small tributaries, not on habitat in the mainstem itself.
6. **Terrestrial/wildlife element.** On the whole, the terrestrial/wildlife elements of the plans were weaker and less developed than the aquatic/riparian elements, with obvious exceptions.
7. **USFWS comments on Bull Trout.** The U.S. Fish and Wildlife Service comments illustrate that, in several plans, it desired more direct assimilation of specific provisions of its Draft Bull Trout Recovery Plan into subbasin plans.
8. **Organization.** Problems of organization, writing, length, formatting, attachments, etc. are on occasion a hindrance to understanding and reviewing a plan.
9. **Process.** A number of the comments, especially from the tribes, include concerns about the meaning of the subbasin plan process for the program and questions about additional planning or implementation planning needs.

Treatment of Issues

Once grouped into broad categories, the staff then found that recommended responses to these issues could be similarly grouped, even as each subbasin plan presents different specific permutations of these broader issues. Some of the treatments recommended require further work by the subbasin planners, and some we propose to handle in a different way. Each issue is addressed in turn:

1. Assessment/management plan “linkage” issue. Perhaps the key concept in calling for subbasin plans consistent with the Program framework was that the objectives and strategies in the plans would be driven by the biological problems identified first in the technical assessments. So the central question asked of every plan has been whether the objectives and strategies in the management plan have been linked to -- based in and driven by -- the biological problems and limiting factors identified in technically adequate assessments? A schematic that illustrates this concept is:



Within this framework, the science review comments and the staff review identified three different versions of the linkage problem:

- (1) *An assessment that is so inadequate or incomplete as to fail as the basis for a management plan.* A major defect, but fortunately we have few plans in this category -- on the whole the assessments appear to be adequate as a basis for planning, a major accomplishment of the process. For those few plans with an assessment at this level of inadequacy, the staff will work with the Council to frame a specific schedule and approach to completing the assessment and then adding the management plan component based on the completed assessment.
- (2) *The assessment is adequate to be the basis for planning, but the objectives and strategies -- especially the strategies -- are not clearly linked and responding to the limiting factors in the assessment.* Also a serious matter -- the primary linkage defect -- although easier to remedy than if the assessment itself is inadequate. There are a number of plans in this category. This is the primary reason we propose returning plans to the subbasin planners during the response period for correction. There are several reasons that plans ended up in this situation, ranging from the fact that the planners tried but failed to provide the correct linkage (e.g., the strategies ended up just too broad or general), to planners who simply ran out of time to relate the management plan effort closely to the assessment. Whatever the reason, the staff recommends that the relevant planners be asked to strengthen these links before the Council tries to adopt these subbasin plans as draft program amendments. As we turn this task back to the subbasin planners, we have some

specific guidance on how this work should be organized so that the plans will meet the adoptability standards:

Proposed response for the “Linkage” Issues described above

Planners should produce a short supplement to the existing management plan, not more than 20 pages, explaining: (1) the key factors limiting biological potential of the selected focal species in the subbasin (referencing the existing assessment); (2) which limiting factors are of priority to address first (if possible, and again referencing the existing assessment); (3) a description of the objectives and strategies, with an explanation and direct link as to how particular strategies address the limiting factors identified; and (4) either a prioritizing of the strategies (related to the priority limiting factors) or a description of a “prioritization framework,” i.e., the criteria/considerations and procedures that would be used to develop and prioritize proposed actions in future project selection processes consistent with the assessment and linked strategies. Responding to this issue in this fashion -- rather than trying to revise or edit or replace the original management plan -- should make for a more manageable effort and user-friendlier plan.

In an ideal plan, biological objectives in the management plan should be linked to and derived from the limiting factors in the assessment, serving the purpose of describing *how much* change in a limiting factor or biological response is sought. The strategies then, are the “things to do” that eliminate or mitigate the limiting factors until the amount of change called for in the biological objective is obtained. Planners that can provide this level of integration and completion are encouraged to do so. But at this point, however, the staff recommends that the focus be on the strategies -- “things to do”, and on grounding the strategies in the assessments, even if this means the biological objectives -- “how much to do” -- remain largely implicit in the linkage.

- (3) *The assessment is adequate, as is the basic linkage of strategies to the assessment, but the strategies are not prioritized, or are incompletely prioritized, or the prioritization is criticized as inadequate.* If a plan lacked an explicit prioritization of strategies, but was otherwise sufficient in demonstrating how strategies linked to limiting factors in the assessments, the staff did **not** recommend that the plan be returned to the subbasin planners for further work *solely* on prioritization. This is because that type of additional detail can be prepared at time of first implementation. That is, as part of the project solicitation and recommendation process, the Council can require that a “prioritization framework,” for the plan be provided as part of the justification for the projects proposed for Bonneville funding. That framework could be a statement of principles/criteria explaining how the proposed projects implement the highest priority strategies that are related to limiting factors in the assessments

As stated above, we do not treat the lack of an explicit prioritization or framework for prioritization as a bar to adoption into the program. Because of this, we will not generally use the response period to work further on prioritization. However, if where the staff recommends that a subbasin plan return to the subbasin planners or work on some *other* issue -- such as an assessment/strategies linkage problem or a failure to integrate artificial production adequately -- the planners should also respond to comments

indicating a lack of prioritization by adding a “prioritization framework” to the plan as described above. Taking the next step to actually prioritize the strategies may be desirable but is not necessary at this time.

2. Artificial production strategy.

The comments and staff review indicate that many of the plans failed to account for artificial production in and affecting their subbasins as completely as anticipated by the Program and the Technical Guide. Many plans that include artificial production strategies did not fully describe how that strategy was integrated with habitat related strategies to meet integrated biological objectives for a focal species. Similarly, often plans did not clearly describe the artificial production strategy within the ecological context of the subbasin.

There are a number of reasons that we believe that the planners were unable to complete this work, the least of which is not the lack of information forthcoming from federal recovery planning and hatchery-planning processes as expected. There are also ongoing legal proceedings where these issues are being discussed, and in some cases, it appears that planners decided that the decisions in those proceedings needed to be made before further detail could be put into plans. In light of those challenges, as well as others, the staff does not recommend returning the plans to the planning groups to do more work on this element. In fact, the staff recommends that the primary treatment for this problem flow from the Artificial Production Review and Evaluation (APRE) and related initiatives outside of subbasin planning, as described below. Improvements will be integrated back into the subbasin plans at a later date. There are limited exceptions to this recommendation where we do believe additional planning work in the response period could be made in conjunction with other improvements.

Subbasin plans can be divided into different categories depending on the nature, location and role of artificial production. All types share in the problems identified above, but the distinctions help sort out which plans need further work on this issue and which do not. In descending order of criticality, the different categories are as follows:

- (1) In some subbasins, artificial production is a central population rebuilding strategy in the Council’s current program, in conjunction with habitat improvements, and thus a central strategy in the proposed subbasin plan. But, in some of these subbasin plans one of the two following situations exists:
 - a. The artificial production strategy is presented as a “stands alone” strategy, with little or no integration into the habitat or natural production strategies, or into the assessments and objectives, even though artificial production is intended to help rebuild naturally spawning runs. The staff concluded that this was one situation in which the lack of adequate treatment of artificial production presented a problem of sufficient magnitude so as to prevent adoption of the plan into the program, not a defect for which treatment could be deferred to other processes.

In this situation planners will be asked to remedy this in the response time, through an adequate discussion of the role of artificial production in the assessment, objectives

- and strategies, including how artificial and natural production are linked in the habitat objectives and strategies. Rather than amend the original management plan or assessment, planners should instead produce a short supplement to the management plan, not more than 20 pages, for this purpose.
- b. The role of this artificial production strategy is relatively well described and integrated into the plan's habitat/natural production strategies, but only in a qualitative or narrative sense, without quantified objectives or a sophisticated analysis of the ecological context. A number of plans fall into this category. The staff recommends *not* asking the subbasin planners to further refine the expression of artificial production strategies in the plan, at least not for this reason alone. If the planners are being asked to address a linkage problem as described above, they should consider what further refinements they can make in the treatment and integration of artificial production in the same management plan supplement. Otherwise, the staff recommends addressing this problem in the APRE and other forums, as described in more detail at the end of this section.
- (2) In other cases, artificial production exists in the subbasin -- or exists out of the subbasin but nearby and its effects are strongly felt in the subbasins -- but artificial production in the subbasin is not a central strategy of *this* program or the proposed subbasin plan. In some such subbasins, one of the two following situations exists:
- a. The proposed subbasin plan includes little discussion of the role and effects of artificial production, in the assessment or the management plan or both. In some cases, this is a significant problem in understanding the viability of and effects on natural production/habitat objectives and strategies. The staff recommends *not* asking the subbasin planners to further refine the expression of artificial production strategies in the plan, at least not for this reason alone. However, if the planners are being asked to address a linkage problem that is needed to adopt the plan as described above, they should consider what further refinements they can make in the treatment and integration of artificial production in the same management plan supplement. The APRE and other processes will take these matters the next step, as described at the end of this section.
 - b. The subbasin plan recognizes the existence and effects of artificial production in the subbasin, especially in the assessment, but the next step of incorporating or evaluating those effects as in the objectives and strategies for the subbasin has not been done. Again, the staff recommends *not* asking the subbasin planners to further refine the expression of artificial production in the plan, at least not for this reason alone. If the planners are being asked to address a linkage problem as described above, they should consider what further refinements they can make in the treatment and integration of artificial production in the same management plan supplement. Otherwise, the staff recommends addressing this problem in the APRE and other forums, as described in more detail at the end of this section.

Staff Recommendation: In a nutshell, the discussion above states that for artificial production activities to be adequately addressed in subbasin plans:

- Hatchery production must be aligned with natural fish production, existing subbasin habitat and future habitat restoration efforts.
- Hatchery production should be integrated with natural fish production with the aim of lessening negative ecological interactions and mixed-stock harvest impacts.
- Subbasin plans should clearly articulate measurable objectives for hatchery escapement, natural returns and harvest needs.

The staff believes that the APRE process may be the best vehicle to make advancements on these questions, rather than returning to the subbasin planning groups that struggled with this component. Future APRE work will assist subbasin planning by better integrating artificial production with local conditions. As part of a process to clarify basinwide artificial production objectives, we anticipate that the APRE process will include a series of provincial meetings with hatchery operators and harvest managers to clarify harvest and production objectives. In those meetings, we will work with the assessment information from subbasin plans and production, harvest and recovery goals described in other plans, to attempt to ensure that hatchery production, habitat conditions and restoration efforts, and natural population status is accounted for and integrated. In general, participants in the APRE exercise will be supplied the information on habitat conditions, hatchery restoration/protection strategies, and natural population status from subbasin plans and be asked to determine the appropriate role hatchery production in the subbasin.

From the APRE activities described above we will move next to attempt to articulate numeric objectives for hatchery returns, natural escapement and harvest needs in and out of the subbasin. These numeric subbasin objectives can then be aggregated into provincial objectives and provincial objectives into basinwide objectives. The products from these workshops will likely inform future iterations of subbasin plans.

The APRE will work with NOAA Fisheries and U.S. Fish and Wildlife Service to coordinate with ongoing NEPA and ESA processes. While much of the basin's hatchery production should be better incorporated into subbasin activities, it may not be possible to resolve all hatchery production issues due to existing mitigation or legal agreements. If conflicts exist, they will be noted and discussed in other venues.

3. Research, Monitoring and Evaluation.

The ISRP found that adequate RME sections were lacking in nearly all subbasin plans. A key challenge is how to evaluate resource management efforts at different scales in a way that is scientifically defensible and ecologically meaningful e.g., how to link monitoring efforts at the watershed or subbasin scale with efforts at the larger scale of evolutionarily significant units.

Staff Recommendation: To address RME needs for the Columbia River Basin in any practical sense requires a shift from work at the project scale to a programmatic approach. Individual subbasin cannot be expected to have or hire the specialized expertise, secure long range funding

commitments, or command the ability to mount and sustain long-term RME efforts. Yet because the issues of interest to subbasin planners in RME are also of interest to entities with responsibilities over a broader geographic scale, it is possible for efforts at the smaller scale to benefit from the overlay of efforts at a broader scale. Therefore, rather than try to design a complete and comprehensive monitoring program in each subbasin, which it probably cannot afford, the region should identify and develop consensus about how much and what type of monitoring is needed and can be afforded for managing an effective Fish and Wildlife program. Further, all opportunities to conduct collaborative research should be fully exercised.

Consequently, staff recommends that Council support the efforts of the Pacific Northwest Aquatic monitoring Program (PNAMP) to develop a regional approach to monitoring. PNAMP is a voluntary, non-directive, self-organizing forum committed to developing a unified approach to monitoring in the Pacific Northwest. PNAMP provides a forum for collaboration of the members as they work towards developing a coordinated approach to monitoring by providing a durable structure for facilitating the development of cross-party linkages. Ratification by PNAMP of products that will encourage continuity in disparate monitoring efforts is a key objective. Professional courtesy and respect for overlapping but different mandates is an essential ingredient for the successful negotiation of a regional approach to monitoring in the Pacific Northwest.

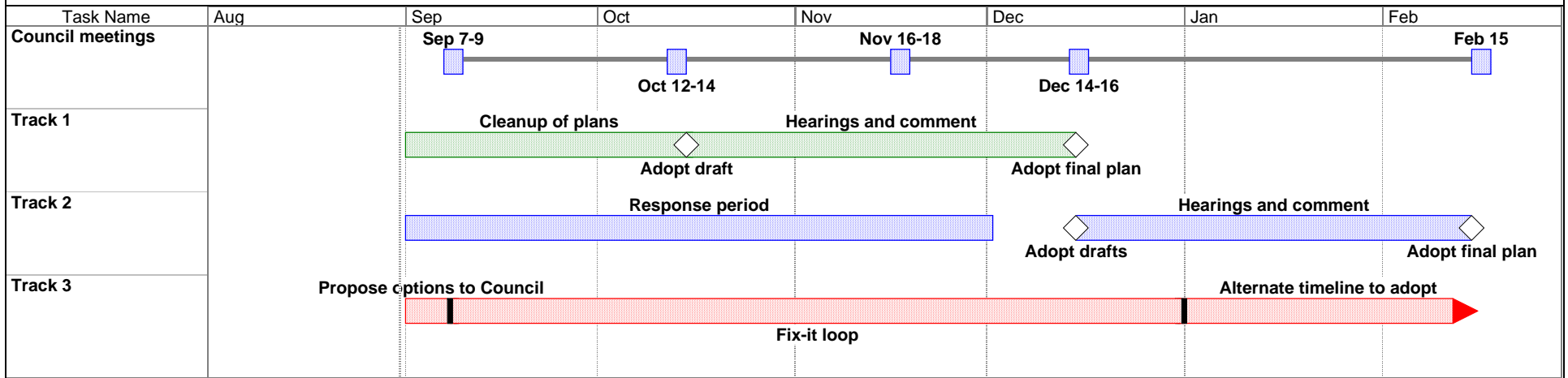
At the request of the Council, PNAMP previously developed guidance to help subbasin planners design the monitoring elements of the subbasin plans. The guidance document provided general and some specific considerations to the Council and subbasin planners on how their monitoring can fit within the broad range of monitoring activities in the Pacific Northwest. PNAMP offered this initial guidance for monitoring efforts at the subbasin level as a step to encourage the coordination of local, tribal, state and federal programs.

In regards to funding through a future project selection process, Council staff has communicated to PNAMP that the Council will likely prioritize monitoring work at a programmatic scale that will have clear benefits to the Fish and Wildlife Program in general and subbasin planning in particular. In conclusion, the area of RME presents the Council with a clear opportunity to provide leadership to the region on issues that are central to the success of the Fish and Wildlife Program.

”Other issues”

Although they are not issues that, as we understand and evaluate them based on the record in hand to date, do not impede the ability to adopt a plan, issues numbered (5) through (9) earlier in this memorandum were deemed important enough to highlight. The staff recommends that if a subbasin plan is being worked on during the response period to address a matter that does affect adoptability (e.g. one of the “linkage” issues identified above) then the planners consider if they can respond to any of these “other” issues if and where they apply to their plan.

Proposed 2004/2005 subbasin plan adoption schedule



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August 31, 2004

MEMORANDUM

TO: Council Members

FROM: Lynn Palensky and Sharon Ossmann

SUBJECT: Request for Release of Subbasin Planning Funds for Response Period

Background

As subbasin planning has progressed over the last year, state coordinators, the Regional Coordination Group and staff have anticipated that many of the submitted plans would need additional work before they could be adopted into the Council's Fish and Wildlife Program. We planned for that need by working a "response period" into our schedule and budget. The response period is intended to allow planners to address key adoptability issues identified by Council staff in reviewing comments from the public and the Independent Scientific Review Panel (ISRP). That review is now complete, and the Council will ask the planners to respond to adoptability issues in the form of a written response and/or a "fix" to the plan, depending on what is agreed to between the planners and Council.

The Council will contract with a limited number of entities, following the Council's usual approval process. Work must be completed within a limited timeframe. The response period will begin September 1 and extend through mid November to meet the anticipated adoption schedule.

Response Period Work

The Council's legal division is developing issue papers on a subbasin-by-subbasin basis, based on the staff's review of plan comments and how the plans meet the standards of the 2000 Fish and Wildlife Program and the Northwest Power Act (overall issue paper attached as companion packet material). The issue papers outline the remedies the staff believes are critical for adoptability. The remedies identified in the issue papers will become tasks in the response contracts. The Council may also recommend additional minor work that does not directly impact adoptability, but will greatly improve the organization, format, readability, or support for the plan.

Funding

Approximately \$700,000 in unallocated funds remaining in the subbasin planning budget are available for this work. Both Council staff and Bonneville contracting staff are committed to release funds as necessary on an expedited schedule. Bonneville may seek additional Council confirmation in the amount to be spent in FY05. Funds will be disbursed either through new contracts or through amendments to existing state coordination contracts. The staff is working with the coordinators to determine the best candidates to complete the necessary work. Staff will have a more precise estimate on the total cost of this work on September 13.

Schedule

Most contracts for response work will not extend beyond mid November 2004 and staff expects to meet the current schedule for plan adoption. A small number of plans have significant issues that probably cannot be remedied under the current schedule.