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December 7, 2004

MEMORANDUM

TO: Council Members

FROM: John Shurts and John Ogan

SUBJECT: Status briefing on broader issues surrounding the subbasin plan amendment process -- comments on issue paper, reflections and suggested next steps

The Council released an issue paper in October, along with the first set of draft subbasin plan amendments, seeking comment on a number of procedural issues concerning the role, status and use of subbasin plans. The purpose of this memorandum, and the staff discussion with the Council at the December meeting, is to summarize briefly the comments the Council received on the issue paper, to assess where we are on these issues, to suggest how best to proceed, and to seek the guidance of the Council in return. The staff is not asking the Council for a decision.

Introduction

The Council decided to release the issue paper after receiving comments on the subbasin plan recommendations indicating that a number of key participants in the program were interested in and concerned about a broader set of amendment process and policy issues, rather than the specifics of particular subbasin plans. Issues raised in the paper included whether strategies in the subbasin plans are sufficiently specific to be a basis for implementation, whether and how to undertake a "roll-up" of subbasin plan objectives and strategies into provincial and basinwide objectives and what we might learn from and do with the results of such an exercise, what should be the future shape of the project selection process, how to decide on an appropriate allocation of Bonneville funding among subbasins and provinces, the relationship of subbasin plans and the program to recovery planning under the federal Endangered Species Act, and how the Council might go about adopting the management plan components of subbasin plans into the program yet allow for the periodic updating of these plans.

The Council did not commit in the issue paper to resolving the issues within the period for considering the draft subbasin plan amendments or to altering the schedule for adoption of those amendments. The Council did promise to work collaboratively with its partners in the program and subbasin planning to address these issues in a timely and satisfactory way.

This memorandum summarizes, synthesizes and reflects on the comments the Council received on these issues, and suggests a course for proceeding. The staff considers this an on-going dialogue that is separate from, if running parallel to, the Council's consideration of the subbasin plans for adoption into the program. A few of the comments linked the two directly, recommending that the Council not adopt draft subbasin plans into the program pending resolution of these issues. Staff addressed those comments in the decision memorandum on the first set of draft subbasin plan amendments. For the purposes of this memorandum, the staff assumes that the Council will continue on the schedule it set to adopt the recommended subbasin plans into the program in phases that conclude in late spring 2005.

Comments regarding a “scale-up” planning initiative to (1) assess the collective contribution or effect of subbasin plans at program levels above the subbasins, and (2) based on that assessment, make decisions about objectives, allocation priorities and other matters at those higher program levels.

At the end of this memorandum is a rough summary of the comments responding to the issue paper. The purpose here is to synthesize what we learned. Nearly all the commenters believe that the Council has work to do before making the transition from subbasin plans to a new round of project selection to implement the plans. For example, the Council received near unanimous comment about the need for some sort of effort to aggregate the subbasin plan objectives at a provincial and basinwide level, evaluate whether what the subbasin plans add up to is appropriate from a technical, policy and legal standpoint, and review or adopt population and habitat objectives at those higher program levels. Similarly, most commenters saw a need, using the subbasin plans and any higher level “roll-up,” to define more precisely the priorities of the program, to guide the allocation of Bonneville funding, and to define more clearly the next project selection process. As is explained in more detail in the “Necessary immediate steps” section below, and in a separate memorandum for the Fish and Wildlife Committee regarding FY 06 project funding, the strong and broad consensus in the comment, *and* the recommendation of Council staff is to do “roll-up” related work and other preparatory work during the Fiscal Year 2006 funding cycle.

All of these comments are related around the same theme: They are all different ways of describing an effort to “scale up” or “roll up” or collectively assess the effects of the subbasin plans, that is to review the subbasin plans in some collective fashion, to aggregate their activities and objectives and priorities at the province and basinwide level, derive some benefit or insights from the view a level or two above the subbasins, and then make programmatic decisions of various types on the basis of that assessment. The different elements or outcomes or decisions sought by different commenters from this collective assessment are related and not mutually exclusive; in many ways they are mutually reinforcing. These desired outcomes include, among others:

- the setting of quantified population and habitat objectives at the province level for the purpose of effective program monitoring and evaluation;
- a comparison of the aggregated effects or objectives of the subbasin plans (and other parts of the program) to the basinwide objectives in the program, with adjustments if the one does not match the other;

- the allocation of available funding to provinces and to subbasins within a province, based on some consideration or establishment of priorities above the subbasin level after reviewing or evaluating the subbasin plans in some collective fashion;
- better integration of habitat assessments and objectives with artificial production objectives and activities, and with harvest and hydro impacts, all part of setting integrated objectives and reviewing habitat, production and harvest policies at the population and basinwide level;
- setting ESA recovery planning targets at an ESU level and evaluating the possible contribution of subbasin plans and other program elements to meeting those recovery planning targets;
- a more clearly defined and comprehensive decision framework and procedures for project selection, program implementation, and monitoring and evaluation;
- in an iterative process, scaling back down -- that is, more specific implementation plans, and possible revisions and improvements to the subbasin plans themselves, based on what we learn from evaluating the subbasin plans after setting objectives and priorities set at a higher or a collective level.

With regard to the last point in the list, the iterative nature of this exercise is the important point to emphasize. With the exception of the comments from the Columbia River Inter-Tribal Fish Commission, which would have the Council first move to “scale-down” from the current subbasin plans by immediately starting another program amendment process calling for more specific measures and implementation plans to hang on the subbasins plans, the other commenters all appear to see a need to “scale-up” first, to understand what the subbasin plans add up to and make certain programmatic decisions at that higher level on the basis of what we learn.

The vast majority of comment on the matter of review and planning at a broader scale (province, ESU) following subbasin plans, is precisely consistent with the program amendment steps envisioned in the Council’s program framework. The 2000 Program called for planning and the setting of objectives at the province level, and states that will take place *after* the development of subbasin assessments and plans. The Council chose this path based on the comments and advice from many, including fish and wildlife managers, that planning at these different levels would obviously be an iterative process, and that what we would learn from developing and adopting the subbasin plans would then allow the region and the Council to work at a broader scale in setting objectives and evaluating priorities. Then, scaling back down again, insights from the review and decisions made at the province and basinwide levels would tell us how best to revise the subbasin plans. Thus for the purposes of this memorandum, we assume that one result of the planning effort at a scale above the subbasin plans is that it will eventually allow for and require the revision of the subbasin plans themselves. But, it will likely be at least a couple of years before the earliest we will be ready to scale back down to the subbasin plans. The rest of this memorandum will focus on what comes first -- the scale-up or roll-up initiative.

Possible elements of a scale-up planning exercise -- activities, products, order, timing and process

The comments and considerations about a scale-up initiative are varied, but if laid out systematically there is a certain logic to the elements and order, as well as some obvious implications for timing, process and what we need to be doing in the interim. What follows are suggestions and ideas, essentially a strawman, not a proposal or consensus. What we seek from the Council is guidance and authorization to continue discussing these elements and return to the Council soon with a specific proposal for how to proceed once subbasin plans are adopted.

Technical exercise in setting out and aggregating subbasin plan objectives and effects. A logical place to begin would be with a largely technical exercise to, first, clarify, set out, quantify and integrate habitat and population objectives at the subbasin level out of the subbasin plans and other sources. This effort should integrate habitat (tributary, mainstem and ocean), artificial production, harvest and other effects and objectives at the same time. The next obvious step, which could take place at the same time, would then be a similar technical exercise to aggregate these objectives and effects and objectives at the province level and, possibly, the basinwide level. This effort could start in earnest at any time. It is similar in concept to what is now a pilot project in the APRE process, which might be something to build on or at least draw from. The products of this technical effort could then inform a number of planning exercises and decisions, as follows:

Province-level planning exercise by the Council and its partners. Building on the technical information derived above, and consistent with the provisions in the 2000 Program, a next step for the Council and its partners would be a planning exercise to yield one or more of the following:

1. Establish population and habitat objectives at the province level, as well as any other framework elements and policies that seem appropriate at that level.
2. Further define a programmatic monitoring and evaluation framework, with the key metrics evaluated would be progress toward the quantified population and habitat objectives at the province level.
3. Review whether the subbasin and provincial objectives and effects appear to add up to the basinwide population and habitat objectives in the 2000 Program, and if not, decide what steps need to be taken to harmonize (revise the basinwide objectives, revise the plans and objectives below the basinwide level, or both).
4. Informed by the technical information, further define program priorities at the province and basin level and decide how to allocate available Bonneville funding to the provinces and subbasins -- or at least decide on the principles and criteria for such an allocation.
5. Further define the decision/implementation framework for implementing the subbasin plans and the other program elements, and link with and integrate ESA planning and implementation.

The Council need not pursue all of these elements or products, but they are related, they flow from each other, and all are needed. Also, they need not all be pursued or achieved at the same time. However, there would be significant logic and efficiencies in considering and resolving these elements together. Not every part or element of this effort necessarily must need to take place or conclude as part of a formal program amendment process. The Council will need to

consider the 2000 Program structure and language, and decide which elements do require treatment in a formal amendment process (e.g. setting province level objectives and priorities). Using the Act's program amendment vehicle for this purpose was called for in the 2000 Program. There are also some obvious efficiencies with the program amendment process, in terms of structuring what could otherwise be an amorphous exercise, setting deadlines, and forcing a planning exercise to a conclusion.

As for timing, it would not be possible to conduct this technical and then planning exercise in time to inform project selection and implementation for Fiscal Year 2006. It would be possible to do so by the time needed to begin the review for Fiscal Year 2007 -- that is, concluded by around January 2006 -- but only if the Council is expeditious in deciding on, initiating and bringing to conclusion the effort. Having the beginning of 2006 as the target date for concluding this province-level planning exercise would dovetail neatly with NOAA Fisheries' plans to develop draft ESU recovery plans by the end of 2005.

ESA recovery planning. The technical exercise described above would indeed yield information of obvious relevance to NOAA Fisheries as it attempts to develop draft ESU recovery plans. Most of the commenters desire to link and even integrate as much as possible recovery planning and implementation with the assessment and implementation of the Council's subbasin plans and the setting of program objectives at the province level, for obvious reasons -- even as these are different statutory mandates by different agencies with different if related policy and other considerations. And as noted above, the timelines could mesh well for linking the two efforts.

Necessary immediate actions

If the Council were to decide to conduct a scale-up technical and planning exercise of the type called for in the comments and discussed above, and even if begun before all the subbasin plans are adopted into the program, the earliest it could conclude is more than a year away, and maybe longer for some elements. A number of things would need to happen in the interim, but five are most obvious:

- Complete the subbasin plan adoption process. The comments indicate an interest in setting up a mechanism whereby even the management plan elements of the subbasin plans (the portion actually to be adopted into the program) are susceptible to minor amendments and improvements over the next few years without the need to use the full program amendment machinery. The staff will consider this idea further and return with a recommendation at a later time.
- Define and conduct the project review process for Fiscal Year 2006. This is a multi-faceted task, and requires broad coordination regionally. The issues and details of the staff recommendation are included in a separate memorandum dedicated to the topic and is on the Committee agenda item at the December meeting.
- Decide *how* the Council will conduct project review in Fiscal Year 2007 and beyond -- timing, organization, roles, procedures, etc.
- Complete an agreement of some sort with Bonneville as to the amount of funding to be available in FY2007 and beyond, as well as the budget management, accounting and other rules necessary to implement and track this budget commitment.

- Make significant progress on the programmatic monitoring and evaluation framework.

Conclusion -- next steps

The staff recommends that the Council authorize the staff to continue to discuss these issues with the relevant parties. We particularly recommend that the Council authorize us to focus sharply on developing in relatively short order a concrete proposal for the province-level type of planning exercise sought in the comments and described above.

Provisional summary of comments on the Council's Issue Paper "Additional comment requested for specific issues on amendment process" (November 22, 2004)

Confederated Tribes of the Umatilla Indian Reservation, November 11, 2004

- Have participated in SB planning; the investment has been a good one and expect to move plans toward their potential.
- Current SBPs represent only the initial step in establishing a comprehensive and integrated F&W Program. They do not address regional and provincial issues critical to the Program including mainstem passage, data and information management, provincial and regional scale monitoring and evaluation requirements, regional research needs, artificial propagation, regional coordination, and regional provincial budget allocation and prioritization.
- Support development of a comprehensive regional decision making framework, which would be integrated with other processes such as ESA recovery planning and US v OR as well as other objectives.
- Strongly believe that a decision making framework for the whole F&W Program must be in place in order to effectively assess the collective SBPs.
- Without such a framework, it would be premature to formally adopt individual SBPs into the Program or proceed with a project selection process based solely on those plans.
- CTUIR is working through CBFWA and CRITFC to develop detailed recommendations for a regional decision making framework.

State of Idaho Office of Species Conservation, November 22, 2004

- Requests that Council stay the course and provide the region leadership to make this transition.
- Regarding level of specificity: it would be expected that each SB would maintain that its own plan provides the specificity needed to direct project selection, and that the problem with lack of specificity lies elsewhere in the region. This, combined with time, money and effort expended to date, create a situation in which pausing to address the perceived lack of specificity is imprudent. Planners should be trusted to move ahead w/ projects that support their plan's objectives/strategies, but the Council has an opportunity to help planners use and refine their plans. Idaho supports the development and use of the "implementation form" as described by the Intermountain Province Oversight Committee.
- Roll Up: Idaho supports the continuation of the provincial review process to determine project funding. Difficult to envision a condensed provincial review process in '06-'07 without a SB plan roll-up. Funding should begin in FY '07 with preparation well in advance of the FY '07 funding cycle.
- An essential part of roll up would be the development of the SB implementation template and project solicitation form as outlined in the IMP Oversight Committee comments.
- Project Review and Recommendation Process: Idaho supports concept of rolling provincial review process. Prior to initiating this, it is important that the Council set provincial budgets in a fair and transparent process. Many provincial level groups are poised to play a central role in

meshing the varied project proposals submitted from multiple SBs. Assistance of Council staff will be important.

- Relationship to ESA Recovery Planning: Council should continue to state SB plans were not designed nor expected to be recovery plans.
- Improving SB Plans: A formal process should be used for major amendments or changes to the plans, but a less formal process should be used for relatively insignificant changes. Council should define significant and insignificant.

Sierra Club, November 22, 2004

- Considerable work needs to be done before most, if not all, the SB plans can be adopted.
- ISRP/ISAB comments largely confirm Sierra Club's view that more work needs to be done prior to adoption.
- Letter quotes extensively from the ISRP/ISAB Executive Summary criticizing elements of most plans (lack of strategies for increasing diversity of native fish and wildlife, lack of discussion of dynamic nature of watersheds, failure to prioritize RM&E activities, etc).
- Critical of the voluminous nature of the plans.
- There is no document that summarizes how all the SB plans fit together. If the plans are to be used for salmon recovery, then the plans must meet the region's goal for salmon recovery.
- There was little attention given to aquatic species outside of chinook, steelhead, and bull trout. What about lamprey. EDT/QHA were used well in some cases and not in others. No SB used tools to assess lamprey or sockeye salmon.
- SB planning offers great promise to move the salmon recovery forward, considerable more work is necessary before the plans should be adopted.
- Urge the Council not to try to adopt so many SB plans at once if it wants meaningful public input, particularly when the plans are so large.

Klickitat County Planning Department, November 22, 2004 (Big White Salmon)

- Agree with ISRP's finding that the management plan is incomplete. It requires more thorough rationale for the biological objectives. The biological objectives were generated by the WDFW without input from Klickitat County or other parties to the planning effort.
- Plan was produced without adequate public involvement or adequate participation by all members of the SB planning team. There is no agreement among the SB planning team members on the plan.
- None of the comments submitted by ISRP, Klickitat County, others has been addressed.
- Council should return the plan to the SB planning team to address the comments received and provide planning team with the time needed to broaden participation.

Bonneville Power Administration, November 22, 2004

- Appreciate the Council's acknowledgement of and willingness to focus on the broader issues related to the adoption of the plans, especially those that have significant implications for managing the Program into the future. Issues such as prioritizing individual SB management strategies, the "rolling-up" of those priorities to define provincial and programmatic implementation priorities, applying overall fish and wildlife program objectives as a basis for

allocation of effort and resources, and sharing a responsibility for action and investment are overriding concerns.

- Comments are intended to assist Council in its consideration of these questions and implementation issues. Encourages Council to take the time necessary to more fully evaluate and consider the programmatic questions relating to the SB plan adoption process.
- Roll-up: A critical first step is to synthesize the goals and objectives of the individual SBs into goals and objectives applicable at the population, and then provincial, level. Effective roll-up could resolve many programmatic issues essential to effective implementation. Building province-level roll-ups into a delineation of priority needs and effort that can guide BPA's budget development and project selection, would give substance to the existing 2000 Program language that directs each SB plan to have its own biological objectives and that those objectives need to be consistent with the biological objectives of the program at a basin-wide scale.
- BPA agrees with Council staff analysis (in Oct. 22 comment request) that a comprehensive roll-up of SB biological objectives to these broader levels will serve to promote implementation strategies and priorities that better meet the requirements of the fish and wildlife target species, including those described in the FCRPS draft BiOp Updated Proposed Action.
- Only by investing the time to roll-up these plans will the region be able to successfully relate these plans to hatchery, harvest and hydropower planning and receive the full benefit of the investment in the planning process. Roll-up will ensure consistency at the basin-wide level and also with existing and future activities of fish and wildlife managers in the region (recovery planning, BiOps/HCPs for non-hydro projects, APRE, integration with RM&E/PNAMP, integration with other Hs, etc).
- A comprehensive roll-up will not be done quickly. Roll-up should full encompass and inform the mitigation of impacts to fish and wildlife from all sources of human-caused mortality, not just hydro related mortality.
- Recognize that implementation of projects may not wait in the interim while roll-up is addressed. Suggest collaboratively performing an expedited assessment of the gaps in program implementation and the needs for more immediate action.
- Full utilization of roll-up could begin in 2007, the next BPA rate period.
- Regarding future comment on the second set of SB plans, BPA suggests leaving open the discussion and continuing the region's consideration of these broader issues.
- These comments are intended to clarify BPA's needs with respect to moving forward.

Bonneville comments, Part II (dated October 2004)

Plans represent considerable progress toward shared goals and support adoption of the plans. BPA believes, however, that the most important next step is to evaluate with questions that relate to the SB planning adoption generally.

- Management strategies in the SB plans should serve as building blocks of a comprehensive and integrated approach toward meeting existing basin wide goals. Plans should be "living documents" that evolve.
- SB plans are not just about guiding the selection of projects for BPA implementation funding, but, rather, the allocation of mitigation and funding responsibility attributable to all human-caused mortality (mining, logging, agriculture).
- BPA anticipates that SB plans will be the template against which all actions and expenditures – BPA's as well as those from other public agencies or private efforts – will be evaluated.
- Specific comments by BPA on issues the Council is seeking public comment by November 22

1. SB implementation specificity: recommend continued focus on strategies, not projects. Reserve project evaluation process for recommendation of specific projects.
 2. SB roll-up as related to basin wide fish and wildlife objectives: Roll-up of fish and wildlife goals at various levels. Integrate objectives of other Hs. Assess priority needs for all categories (population, ESU, Provincial level, etc). Use workshops for roll-up work. Utilize methods described for APRE roll-up. Notes 2000 Program's *Transition Provisions* in which it appears the program anticipated the SB plans would be adopted into the program as measures following the requirements of section 4(h); BPA supports this approach.
 3. Project selection/prioritization: Hold until roll-up is completed. In short term assess gaps between current program and priorities identified in new SBPs and BiOp. Assess RM&E efforts. Focus on FCRPS responsibilities and be clear about BPA's requirements and priorities.
 4. Relationship of SBPs to recovery planning under ESA: SBPs will be useful to the extent NOAA uses them. BPA sees value in plans' ability to integrate needs of ESA and non-listed species.
 5. Adopting and then updating the management plan components of SBPs into the program: include roll-up and maintain flexibility for easily updating plans as new information is developed.
- Additional Comments
 - Future project solicitation: specific project solicitation is one of many unresolved issues. Final project selection, at least in so far as the project is to be funded and implemented in whole or in part by BPA, is a responsibility of the agency. Not until the 1990s did BPA begin sharing solicitation tasks with the Council. BPA continues to support shared solicitation process. Cost effectiveness remains an important element of section 4(h)(6) of the Northwest Power Act.
 - Scope of FCRPS mitigation responsibilities: there are misunderstandings about BPA's legal obligations. Would be helpful for Council to clarify where would be appropriate for BPA to address its legal obligations and mitigation responsibilities.
 - Allocation of effort and implementation costs: BPA believes that the purpose of SB planning is to focus the region's investments in fish and wildlife – not just BPA's – and to prompt additional or complementary action address to the mitigation role and management responsibilities of others. If the Council concurs, then the SB management plans will need to be scrubbed to a more limited purpose.
 - Budgeting for implementation of SB management plans: BPA has concern with the requirement for plans to include budgets for projects even though this requirement was later dropped. BPA's funding commitments must be linked to priority mitigation efforts addressed to hydrosystem effects. Only after completion of roll-up, prioritization, and allocation of responsibilities, would BPA be able to consider cost estimates and funding requests based on SBPs. Recommend that funding requests and cost estimates not be adopted into the program.
 - Coordinating a SB planning roll-up with long term MOU development: Has concerns that there are many factors, players and that these issues should be considered in both the SB plan amendment process and in the discussions surrounding an MOU.
 - Clarification of the definition of biological objectives: BPA hopes to see the Council consider how to define biological objectives at the SB level. Guidance would also be needed as to how the objectives relate to the mitigation efforts or obligations of individual parties such as BPA, as opposed to all entities responsible for mitigation in a given SB.

- Considering past mitigation: Dams inundate habitat – not anadromous fish habitat, resident fish habitat, and wildlife habitat such that each needs to be address separately, but rather cumulatively. Once roll-up is complete, it would be helpful for the Council to explain how to consider the habitat already protected by the federal dam construction agencies, the USFWS and, of course, BPA.

Upper Columbia United Tribes, November 22, 2004

- Pleased that “our” SB plans were recommended for adoption. Generally satisfied with outcomes regarding SB planning, but concerned that an immediate solicitation track without an open and precise implementation strategy may ultimately jeopardize the planning efforts. Recommend that the time remaining in this rate period be used to develop the implementation process and provide the region with a fish and wildlife mitigation plan that is well supported and funded at a level consistent with the SB plans and Program.
- With regard to the level of specificity, UCUT strongly recommends that NPCC consider and adopt measures submitted by UCUT. These measures and ten-year budget describe appropriate levels of effort for the IMP, Kootenai and Okanogan SBs. UCUT’s support for the IMP plan is contingent upon adopt of accompanying measures.
- Recommend tat the Council not continue to amend or delay the 2000 Program to increase the level of specificity in all SBs. Supplementation of other plans can be accomplished through alternative processes administered by NPCC.
- A thorough expenditure review should be conducted. A process should be developed to equitably distribute funds within the basin. This should be incorporated in the MOA II and subsequent rate case proceedings.
- UCUT recommends a geographic allocation method including regional 70-15-15 split, best science, historical success, long-term benefits, and mitigation obligation.

Kalispel Tribe, November 22, 2004

- Although generally satisfied with the outcomes regarding SB planning, Tribe is concerned about an immediate solicitation track.
- Make specific recommendations as well as endorse some comments and recommendations by UCUT and IMP Oversight Committee.
- Don’t believe it necessary to continue to amend the program to increase the level of specificity in all SB, but, rather it can be accomplished through other processes administered by the NPCC. An implementation strategy for the CRB should begin with an expenditure review. Once completed, NPCC should engage with the fish and wildlife managers, Tribes and BPA to develop a geographic or provincial allocation method for funding. Should be incorporated into the MOA II.
- Believe IMP SB plans are adequately rolled up.
- Urge NPCC to consider funding only those actions that are currently supported by the Power Act. Not interested in a process that allows BPA to fund “in-lieu” actions within the basin. Propose a geographic allocation method including regional 70-15-15 split, best science, historical success, long-term benefits, and mitigation obligation, and equitable apportionment of mitigation efforts.
- Encouraged by the Council’s acknowledgement that it has no statutory obligation to adopt AB plans as final ESA recovery plans. Urge NPCC to provide a mechanism that focuses program

implementation (mitigation or ESA recovery) on actions that mitigate the FCRPS impact and obligation.

- SB plans must be routinely updated.

Nez Perce Tribe, November 22, 2004

- Tribe has participated extensively in the SB planning process.
- Tribe is acutely aware that the SBPs constitute one segment of the Council's Fish and Wildlife Program, including the 2000 Program and Mainstem Amendments.
- 2000 Program described a stepped-down tiered planning process, but the Council deviated from this approach and proceeded to the SB level. Doing so has contributed to many unanswered questions regarding the adequacy of the collective SB plans to meet regional and provincial level biological goals and multi-programmatic goals and initiatives.
- Regional and provincial questions that remain inadequately addressed include: a) how do individual SB management plans collectively integrate or roll up to address F&W Program goals? b) how do the individual plans roll up to address federal trust and Treaty responsibilities? c) what is the sizing and allocation or prioritization of resources among provinces and program areas? d) how are the various plans integrated and coordinated, and how do they collectively relate to a regional M&E plan that links, supports and provides consistency with provincial and SB monitoring and evaluation efforts?
- Although not exhaustive, this list is illustrative that a regional decision-making framework is lacking and must be developed. Without this framework, it would be premature to adopt individual SBPs into the Program or proceed with project selection.
- Recommend that the Council defer adopting the SBPs until these issues are resolved. Roll up and resolution of the large issues could occur within a year's time and would not hinder progress with the F&W Program. If the Council takes action without first having our consensus, Tribe is very concerned that such action would be inconsistent with Treated rights.

American Rivers et al, November 22, 2004

- Clearly, there is not nearly enough money in the F&W Program to implement the Reaching the ambitious goal of recovering all CRB salmon and steelhead to self-sustaining, harvestable levels will require fundamental changes in the way the Council and NOAA Fisheries approach their relationship and policy goals.
- In the draft 2004 BiOp for the FCRPS, the "Conservation Recommendations" section addresses what NOAA now interprets as a non-mandatory goal to recovery ESA-listed salmon and steelhead. The draft BiOp "recommends that the Action Agencies continue to facilitate the existing SB planning infrastructure to ensure that SBPs are implemented effectively and efficiently." Because this is full extent of the draft BiOp's promised recovery effort, this places an extraordinary burden on SB planning.
- While NOAA is depending on the SBPs to contribute to recovery, the Council appears uncertain that this should be the goal of the plans.
- NOAA and the Council are not in sync as to the purpose of the SB planning process. At present, the plans lack specific recovery measures, funding mechanisms and explanations of how the actions developed from them would aid basin-wide survival and recovery. This discrepancy must be corrected.

- ISRP/ISAB concluded that “the lack of a thorough treatment of ESA issues in most SBPs will make it difficult or impossible to roll up SBPs into ESU-level recovery plans.”
- A roll up plan should accomplish the following: define final recovery goals, provide a detailed description of factors in and out of SB that are limiting recovery for each listed ESU, develop specific recovery measures for each SB and provide criteria for ranking them, integrate the recovery actions taken in each SB and through each SB plan with the measures called for in the FCRPS BiOp, and ensures federal of Power Council funding for this integrated suite of measures at a level sufficient to enable their full implementation.
- Regarding funding, with respect to the 2000 BiOp, only about half of the approximately \$500 million necessary for full implementation has been appropriated and only about 30 percent of its measures were actually implemented. Additionally, the F&W Program has been reduced from a planned \$186 million to an average of \$139 million per year.
- BiOp’s measures, let alone SB plans after they are complete.
- A new, comprehensive, and transparent analysis of the funding is necessary.

Intermountain Province Subbasin Planning Oversight Committee, November 22, 2004

- Share the sense of urgency to move beyond planning and begin implementation, but also believe that rolling out the implementation process and framework in a comprehensive and deliberate manner is essential to securing long-term benefits for SB planning.
- Level of specificity: level is adequate to implement the IMP management plans. IMP Oversight Committee recognizes that the level of specificity varies considerably throughout the region and believe that the overall utility of the plans could be improved.
- The Committee believes that roll up of SBPs to a province scale is important to meeting the ecosystem management objectives identified in the Council’s 2000 Program.
- Committee supports the following provincial review as the best mechanism for implementing the SB and province level components of the Council’s program. Recommend that the Council resume the following provincial review process for a 2007 implementation. Recommend that the Council resume the rolling provincial groups play a central role in review and prioritization of project proposals.
- Committee appreciates the Council’s clarification regarding the relationship of SBPs to recovery planning under the ESA. Agree that SBPs should address the Council’s statutory obligations under the Power Act, but that the Council has no legal obligation to make SBPs final ESA recovery plans.
- A process should be developed to update SBPs so that they become adaptive management tools.

Montana Fish, Wildlife and Parks, November 15, 2004

- SBP objectives, strategies and management plan components are adequate to serve as the “measures” for the Council’s F&W Program. Measures used to assess Program success should focus on actual benefits to fish, wildlife and their habitats.
- Recommend that the requirement for greater specificity be included in BPA contract workplans and not be a separate process prior to adoption of the plans.
- Believe the strategies and management components of the SBPs are sufficient to serve their fundamental function of guiding the allocation of Bonneville resources toward the most biologically- and cost-effective activities.

- Do not agree that the Council should follow SBP amendment process with another program amendment process that calls for specific implementation plans to the program. Adding another program amendment process will divert funding and human effort away from project implementation.
- Roll up will be an important tool to address overarching issues such as habitat degradation, fish passage barriers, etc. Council should facilitate communication between individuals conducting similar research. Council and action agencies should lead by compiling and distributing the best tools for on-the-ground actions, research and monitoring to share among project sponsors.
- If SBPs were intended to inform decisions about prioritizing funding between SBs, the Council should assure balance between ESA actions and mitigation measures as well as for anadromous fish, resident fish and wildlife.
- Recommend roll up be conducted concurrently with the project review process in the near term.
- SBPs provide a scientifically sound basis for prioritizing actions within a given SB, however prioritizing work between SBs can only be accomplished after the SB roll up.
- SBPs contain a logical framework for project selection. Proposed projects should be reviewed by the SB technical committees to assure that each proposal is consistent with the SBPs. The SB technical committees have the direct, local knowledge required to prioritize projects for implementation. Timing of the review and project selection process should continue to follow the three-year rolling review process by independent scientists.
- MFWP agrees that the Council should pursue the development of SBPs to meet statutory obligations under the Power Act. Mitigation for the construction and operation of the FCRPS should continue to be the primary focus of the Council's Fish and Wildlife Program (as opposed to ESA obligations).
- Council should establish a mechanism for considering and approving appropriate modifications to the SBPs. This was a consideration when the electronic format was devised for the Kootenai and Flathead plans so that new information could be added in the future. Updates to these electronic plans would be simple, inexpensive and quick. The Council should approve minor amendments to the program through a streamlined (electronic) procedure that does not require all of the procedures for major amendments in Section 4(h).
- Council should craft rules to update the SB plans at the time the SB plans are adopted into the F&W Program. SB planners should be allowed to make minor modifications to the management plan portions of the SB plans without needing to invoke the formal amendment process.

NOAA Fisheries, November 22, 2004

- Supports the amendment of the 29 "green" draft SBPs into the F&W Program if the Council addresses the SBP implementation issues as described below.
- SBPs will have great value for contributing to Columbia Basin fish and wildlife resources, including recovery of the twelve salmon and steelhead ESUs listed under the ESA.
- Level of specificity: Strategies in the draft plans are quite general. Presently, the management plans do not have the specificity needed to inform the Council as to which project proposals should receive highest priority. NOAA Fisheries believes that these strategies can guide project selection if there are more specific actions in more specific locations.
- Roll Up: Will ultimately be important for decision making about priorities. NOAA will develop draft recovery plans in 2005 for listed anadromous fish. Integrating the recovery planning effort with the Council's roll up process is crucial. Process for addressing roll up should not delay the process for adding more specifics to individual SBPs described above.

- Project Review and Recommendation process: NOAA Fisheries believes that the project recommendation process should both consider priorities for implementing the FCRPS BiOp and implement the project specificity and roll up recommendations. Requests that Council provide funding for continued participation of parties involved in SB planning.
- Relationship to recovery planning under the ESA: NOAA has stated that if SBPs are consistent with the Council's Technical Guide for SBPs, then we would view them as "building blocks" for ESA recovery plans and that NOAA would use the plans as interim local recovery plans until formal ESA recovery plans are developed. Initial plans have addressed primarily habitat issues, but NOAA Fisheries will work with regional and local forums and with Tribes to integrate hatchery, harvest and hydropower issues into the plans.
- Status of Recovery Planning: Expect draft recovery plans for all listed Columbia Basin ESUs that spawn and rear in the State of Washington to be completed and submitted to NOAA by June 2005. The Lower Columbia Fish Recovery Board will submit its plan in December 2004. Many of these are partial plans because Oregon and Idaho have yet to complete section 4(f) recovery plans. Elements may need to be added because the Washington Recovery Boards have indicated they may only address habitat. Timing of recovery plans for ESUs in Oregon and Idaho is less clear.
- Improving SBPs – the living document: It is crucial that SBPs and recovery plans implement a solid adaptive management program so that priority actions can be influenced by the best available information.

Columbia River Inter-Tribal Fish Commission, November 22, 2004

- The Commission notes that several of the additional issues relate or stem from the failure of the submitted SBPs to include specific recommended measures, which the Commission commented on in its August 14, 2004 comment letter. Commission incorporates those comments again by reference. Reiterates its request that the Council issue a new Request for Recommendations in compliance with section 4(h)(2) of the Power Act that requests a prioritized list of measures, along with a budget, as a final phase in the amendment process prior to adopting the SB plans into the Program.
- Level of specificity: Asserts the Council performed a "bait and switch" in which it stated the use of one process and then cautioned the technical staff and citizens to not use that Program process. Because the plans weren't solicited consistent with the Power Act, and lack the specificity to guide funding decisions, they should not be incorporated into the Program from both legal/policy standpoints.
- Believes the statutory Program amendment process was carefully written to balance the need for protection, mitigation and enhancement as well as the expertise of the tribes and fish and wildlife agencies.
- The Nez Perce Tribe, in a September 15 meeting with Council staff, presented a series of questions that address these issues and CRITFC requests a written response to these questions.
- Roll Up:
 - 1) It is premature to conclude that roll up will achieve the goals in the 2000 F&W Program before such a roll up is completed. The basis for a Council decision that the SBPs achieve the Program goals cannot be found in the plans themselves. Letter quotes from August comments submitted by the Nez Perce Tribe, the Commission, and the ISRP/ISAB that contradict the Council's conclusion regarding the

accomplishment of the 2000 Program, and, according to the Commission, come to the opposite conclusion.

SBPs' treatment of artificial propagation and out-of-subbasin effects is very limited and non-existent in some cases (quotes ISRP/ISAB 2004-13, page iv). These deficiencies were due to EDT and other factors.

The Commission understands that the ISRP/ISAB review of the draft plans did not fundamentally address the accuracy of the elements contained in the plans, but focused on certain plan elements and logical relations were present.

2) The plans don't address matters of priority among SBs and weren't intended to. Because the effectiveness of different types of actions depends on the location of a SB relative to the number of mainstem dams between the basin and the ocean as well as in-basin conditions, the Council should not attempt to generalize priority actions from a subset of plans. Refer to the Commission's comments on section D.

3) Recommended in August that the Council solicit recommendations for Program amendments to address programmatic issues associated with roll up of the plan and still believe this is important.

The Council needs to deal with Program framework elements (AP, RM&E, program-wide biological objectives, project selection) that are best dealt with through program amendment proceedings.

2005 will mark the 5th year since review of the Program. SB planning was not initiated as prescribed by section 4(h)(2). Adoption of the SBPs cannot suffice the requisite Program update requirements of the Act.

4) The Council, F&W managers, and BPA should undertake a series of scoping sessions to refine the understanding and approaches to address programmatic issues.

5) SB roll up is an incompletely understood concept that the Council has yet to define. There should be a meeting of the minds to determine what constitutes roll up.

- Project review and recommendation process:
- Section 4(h)(10)(D) provides for independent scientific review, but, while it provides some criteria for review, further guidelines are necessary in the final project recommendation and selection process. Program guidance is appropriate for matters including allocation of resources a) between project categories, b) across provinces, or 3) across focus categories.
- A key factor in describing a project selection process is defining the roles and responsibilities of each of the participants in the process. A project selection process should not be undertaken until the full context of that process within the whole Program can be determined.
- Relationship to recovery planning under the ESA:
- The Council indicates that it is pursuing the development of SBPs for the sole purpose of meeting statutory obligations under the Power Act. However, the Council notes that the plans will likely form the foundation or serve as interim direction for recovery plans. SBPs can only contribute to one small facet of the recovery planning process.
- In order to complement recovery plans as mandated by the Power Act, the Council needs to include site-specific measures, measurable criteria, and time and funding estimates as part of the Program as well as other issues.
- Improving SBPs – the living document:
- Adaptive management must be flexible enough to accommodate these variable and unpredictable needs for modification. The challenge is to maintain scientific integrity, enable an adaptive management process and provide transparency of the process as plans are updated. ISAB/ISRP can help maintain scientific integrity.

- Adaptive management involves ongoing attention and resources but has generally not been maintained over time. Internet technology is an effective tool for ensuring that adaptive management and updating plans are open processes.
- Effective adaptive management of SBPs can only occur if stakeholders have resources and responsibility for updating plans.

Jim Middaugh, Public Hearing, November 9, 2004

- We've struggled within the City of Portland about how to identify specific actions and it becomes more difficult when you get close to the ground, so we're comfortable proceeding with the level of specificity in the plan now. In fact, we're supportive of that because it gives us time to digest the plan, share it with stakeholders.
- It would be helpful to have a decision process or framework similar to the guidance planners received from the Council in the planning process. Hopes that it won't delay implementation of other Bonneville-funded actions.
- Requests that the Council continue to fund comanagers.
- Roll up is a difficult questions. City of Portland is broken into 5 watersheds, then sub-watersheds, municipalities, etc. How are priorities set? He relates to the Council's struggle with this question since local planners are doing the same.
- A stronger link to the ESU scenarios would be developed in recovery planning would be useful and one part of a roll up process, but not sufficient. Also need to look at Willamette Basin wide TMDL process to help prioritize some investments.
- A scoping process would be useful for looking at the roll up issue.
- Portland is spending a huge amount of more – more than Bonneville – so “we” would love to have guidance on whether we're making those investments the right way.
- On project review, the exiting ISRP and comanager evaluation exercise works fairly well.
- Council should do a better job of informing people of the limitations of the program. Council members could do more to push Bonneville to increase the level of funding.
- The Council should do more to strengthen the link with the NOAA process. It's difficult to follow two separate processes, especially when ODFW is so resource constrained that they've been unable to produce recovery targets for the lower Willamette River and Sandy SB.
- Portland has no fish targets, yet wants to ensure that its investments are smart. Don't know what “our” habitat confirmations will be because ODFW does not have the resources to participate effectively. That's constraining a local government that is investing nearly \$2 billion in improvements, which is unfair.
- Urge that the state focus not just be on coastal Coho, but the Willamette as well. Not enough attention is being paid to the Willamette.
- Adaptive management is important. An update every 5 years is adequate. Probably shouldn't require a formal amendment process. ISRP and others could evaluate the quality of the data.