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December 7, 2004

## DECISION MEMORANDUM

**TO:** Council Members

**FROM:** John Shurts, John Ogan and Lynn Palensky

**SUBJECT:** Decision whether to adopt the first set of subbasin plan recommendations as amendments to the Council's Fish and Wildlife Program

## ACTION RECOMMENDED

In October of this year, the Council voted to release for public review and comment a first set of 29 subbasin plan recommendations as draft amendments to the Council's fish and wildlife program. Staff has reviewed the public comment submitted to the Council and further reviewed the proposed subbasin plans in the light of these comments, and has the following recommendations:

(1) The staff recommends that the Council adopt as amendments to the Council's Fish and Wildlife Program the management plan portions of the subbasin plans for the following 23 subbasins:

Asotin  
Bruneau  
Coeur d'Alene  
Columbia Gorge  
Fifteenmile Creek  
Flathead  
Hood  
Kootenai

Lake Chelan  
Lake Rufus Woods  
Lower Snake  
Malheur  
Owyhee  
Pend Oreille  
Salmon  
San Poil

Spokane  
Tucannon  
Umatilla  
Upper Columbia mainstem  
Upper Mid-Columbia mainstem  
Willamette  
White Salmon

With four exceptions, the subbasin plans proposed for adoption are exactly as submitted to the Council as recommendations for program amendments in May 2004. The four exceptions are the subbasin plans for the Columbia Gorge, Flathead, Kootenai and Umatilla subbasins. The planning teams that originally recommended these four subbasin plans submitted modified plans

during the comment periods. The staff recommends that the Council adopt the plans as modified, for reasons explained in a later section of this memorandum.

Each recommended subbasin plan also includes a technical assessment and an inventory that underlies and supports the management plan. The staff recommends that the technical assessments and inventories not be adopted formally into the program, but instead be included in appendices to the program.

(2) The staff recommends the Council defer a decision on final adoption for the proposed subbasin plan amendments in the Cowlitz, Elochoman, Grays, Kalama, Lewis and Washougal subbasins. The Council has known for some time that planning work for these areas would continue for ESA purposes after its May 28, 2004 subbasin planning deadline, and it has publicly recognized that it would consider modified plans for this area. The Council was informed during the comment period on these draft amendments that the entity responsible for developing these six subbasin plans -- the Lower Columbia River Salmon Recovery Board -- will produce significantly revised plans for these lower Columbia subbasins as an integrated package in late December 2004 (a package that includes plans for two other subbasins, the Wind and Little White Salmon, which are in the second set of subbasin plans for Council consideration). The staff believes it makes little sense to adopt the version of the plans recommended on May 28, 2004 just prior to what may be the release of significant revisions made in the continuing recovery planning effort. As noted above, given the unique situation in this area of the basin (it is well ahead of other areas in ESA recovery plan development and has a fixed Recovery Plan product delivery date) the Council has long understood that there was a possibility that significant changes might be made to the plans submitted on May 28<sup>th</sup>. A review of the revised subbasin plans when submitted is likely to indicate a need to release them for further public review and comment before the Council adopts them into the program.

## **Background**

The Council's 2000 Fish and Wildlife Program amendments called for a complete restructuring of the fish and wildlife program through a framework of vision, objectives and strategies at different geographic scales (basinwide, ecological province, subbasin), tied together with a consistent scientific foundation. In the 2000 Program, the Council also adopted basinwide provisions, and described how it would add more specific objectives and measures at the subbasin and province levels and committed to future amendment processes to develop program provisions at those levels.

Although the 2000 Program suggested that the province scale provisions would be developed next, the Council deferred an amendment process for province level measures in light of advice that province goals and objectives would be difficult to develop without first obtaining a better understanding of the technical assessments and corresponding objectives at the subbasin level.

On August 12, 2002, pursuant to Section 4(h) of the Northwest Power Act, the Council broadly distributed a request for recommendations for amendments to the program at the subbasin level. The Council notified in writing the relevant fish and wildlife agencies and tribes and others that the Council sought recommendations for subbasin plans or subbasin plan elements as described in the 2000 Program. At the same time, the Council worked with a broad range of interests in

the region and developed a non-binding Technical Guide for Subbasin Planners to help ensure that plans had a consistent format and content.

The Council worked with Bonneville to secure funding support for planning groups. This is the first time that funding has been made available to the public to help develop proposed fish and wildlife program amendments. \$15.2 million was made available by Bonneville to help planning groups develop subbasin plan recommendations that could be considered for amendments to the fish and wildlife program.

On May 28, 2004, the Council received recommendations for 59 subbasin plans from the various subbasin planning entities. The Council made those recommendations available for public review and comment.

The public comment period on the recommendations ended on August 12, 2004. The Council received an extensive set of comments, including a report from a team of independent scientists organized by the Council. During this comment period the Council staff also conducted its own review of the plans, for consistency with the standards in the Northwest Power Act for program amendments and with the provisions in the 2000 Program.

Following the close of public comment on the recommendations, the Council staff and then the Council considered the plans and public comment against a consistent set of standards derived from the Power Act and 2000 Program, with a tentative proposal for the treatment of each recommended subbasin plan as a potential fish and wildlife program amendment. As one result of this review, the Council provisionally divided the subbasin plan recommendations into three categories or tracks, with a different schedule for considering draft and then final program amendments for each category or track. Memoranda from staff to the Council explained the rationale for the division of these subbasin plans into these different tracks, which will not be repeated here.

On October, 13, 2004, the Council decided to release for public review and comment the first set of 29 subbasin plan recommendations as draft amendments to the Council's Fish and Wildlife Program. These are the draft program amendments the Council is now considering for final program adoption.

The Council received written comments on the draft program amendments, and held public hearings in all four states of the Columbia basin. The comment period on these draft amendments ended November 22, 2004. The staff and then the Council reviewed the public comments on the draft amendments, together with the draft amendments, the original recommendations, and the comments on the recommendations.

The Council did not receive extensive comments on the draft program amendments, and the comments the Council did receive were largely favorable to the proposed amendments and urged Council adoption, with few or no changes. There are a few exceptions, and these latter comments raise a small set of issues addressed next. What follows first is a discussion of several issues or comments that apply generally to these subbasin plans. This is followed by a separate page on each recommended subbasin plan, briefly summarizing the public comment on each plan and addressing any plan-specific raised in the comments.

## General issues

The August 2004 comments on the recommended subbasin plans, and the staff's subsequent review, identified a general set of issues or deficiencies with a number of recommended plans, many of them a bar to adoption into the program without correction. The Council decided to ask the subbasin planners to revise certain plans to address these deficiencies, including inadequate technical assessments, failures to link objectives and strategies to the limiting factors in the assessments, and failures to adequately integrate natural and artificial production objectives and strategies.

The Council tentatively concluded at that time that the plans under consideration here did *not* suffer from these deficiencies and appeared to be suitable for adoption into the program. For that reason, the Council released these plans for public review as draft program amendments. As noted above, memoranda from the staff to the Council in August and October describe these issues and defects and explain the rationale for how and why the Council sought revisions to some recommended plans and not to others.

The public comments on these draft subbasin plan amendments did not raise these issues or identify these plans as deficient in these ways, apparently confirming the Council's judgments in this regard. For that reason, the particular "adoptability" issues that were central to the earlier review of the subbasin plan recommendations are not relevant here and are not discussed. The comments on the subbasin plans do raise a few other general issues to consider in the decision to adopt the plans, as follows:

**1. The "measures" issue.** The Columbia River Inter-Tribal Fish Commission commented that the draft program amendments were legally deficient for not including "measures" as required by the Northwest Power Act, and that the Council must not adopt the subbasin plans without first calling for recommendations for more specific measures to add to the subbasin plans.

The staff does not agree with the Commission. The strategies recommended in the subbasin plans are the "measures" called for in the Power Act, and they are sufficient to satisfy the act.

The Power Act does indeed require the Council to adopt a Fish and Wildlife Program consisting of "measures." The term "measure" is not defined in the act, nor does the act require a certain level of specificity before something is a "measure." A common dictionary definition of measure is "an action planned or taken toward the accomplishment of a purpose: a means to an end," *Webster's Third New International Dictionary*. The dictionary definition is consistent with the way the term "measure" is in fact used in the Power Act, as those provisions in the program that Bonneville and others are to implement to protect, mitigate and enhance fish and wildlife affected by the Columbia hydrosystem. This is precisely what the strategies in the subbasin plans are. As described in the program, "[a]t the subbasin level, 'strategies' will include the particular measures to be implemented within a given subbasin"; they are to be the "plans of action to accomplish the biological objectives" of the plan, thus contributing to satisfying the objectives of the program and the act. The Council's call for subbasin plan recommendations similarly called for the management plan to include "implementation strategies, which will guide or describe the actions needed to achieve the desired conditions."

A review of the subbasin plans proposed for adoption here indicates that the strategies recommended in these plans precisely fit this description -- they are actions proposed for implementation to meet the objectives of the plan, program and act. Moreover, a comparative review indicates that these strategies describe proposed actions at a level of specificity that is at least the equivalent of, and in most cases far more specific than, the measures in past versions of the Fish and Wildlife Program, most notably the 1994-95 program measures that will be replaced by the measures in the subbasin plans.

The Commission first raised this argument in its August 2004 comments on the recommendations. (The Commission did not raise this issue, it must be noted, at the time of submission of subbasin plan recommendations themselves, nor at any time in the more than a year and half following the Council's call for subbasin plan recommendations, a time of significant interactions between the Council and others, including tribal representatives, over the course of subbasin planning.) In order to get the perspective of others on the Commission's position, the Council sought comment from other participants familiar with the recommended subbasin plans and program implementation as to whether the strategies in the draft subbasin plan amendments are sufficiently specific to guide the development, review, and selection of project proposals for Bonneville funding, as was the Council's intent, or whether others believe that more specific measures need to be added to the plans before they are adequate for this purpose and suitable for program adoption.

The Council asked for comment on this point as one of a number of issues outlined in an issue paper on the role and status of subbasin plans and the program released along with the draft subbasin plan amendments. In response to the issue paper, a number of the commenters did state that the Council has work to do before making the transition from adopted subbasin plans to project definition and selection. However, the additional work suggested tended to go substantially in a direction different than adding more detail at the subbasin level. For example, many of the suggestions for next steps or additional work urged the Council to engage in a process to aggregate the subbasin plan objectives at a regional and basinwide level and evaluate whether what they add up to is appropriate. Other comments urged the Council to define further the program priorities at a level above the subbasin plans to guide the allocation of Bonneville funding to the different provinces, and more clearly define the next project selection process. See the next section. And some, such as NOAA Fisheries, agreed that there would *eventually* be a need to "step down" from the subbasin plan strategies to more specific implementation actions or projects, but that work at a province or ESU scale was most pressing.

No entity other than the Commission argued that the subbasin plans lacked such specificity in the strategies as to be not functional, and that the Council should or must hold up adoption of the subbasin plans while adding more specific measures, such that the next action the Council should take, whether it adopts the subbasin plans or not, would be to call for recommendations for more specific measures to add to the plans. And most of the commenters on this particular issue said exactly the opposite -- the strategies in the plans are sufficiently specific to guide implementation decisions in the subbasins, and the Council should *not* take the time next to obtain further specificity in the subbasin plan strategies when there is so much other valuable work to be doing. [The Columbia Basin Fish and Wildlife Authority, representing the collective position of the fish and wildlife agencies and tribes, requested additional time to comment on the broader process issues, but pointedly did not ask the Council to hold adoption of the subbasin plans pending a

process to add more specific measures to the plans, as the Authority would have had to do by the close of the comment period on the plans.]

The comments on this issue are not definitive, of course -- what is definitive is the nature of the strategies in the proposed subbasin plans. But the comments support the conclusion that the strategies in the proposed subbasin plans are sufficient to act as the measures for program implementation, and that the Council need neither hold up adoption of the subbasin plans to add more specific measures to the plans, nor immediately follow subbasin plan adoption with a program amendment process calling for more specific subbasin measures.

**2. Comment about delaying adoption pending resolution of additional issues about amendment process and next steps for program.** As noted above, the Council released an issue paper 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 the issue paper was to continue a regional dialogue about what should be the next steps for the Council's program, in terms of subbasin plan implementation, the "roll-up" of subbasin plan objectives and strategies to provincial and basinwide objectives, the future shape of the project selection process, how funding would be allocated 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 programs yet allow for their periodic updating. Comments originally received on the subbasin plan recommendations spurred the Council's decision to release the issue paper, as these were the issues a number of key commenters were interested in and concerned about, rather than the specifics of particular subbasin plans.

The Council did not commit 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.

These issues include the "specific measures" issue, addressed above. But as also noted above, many of the commenters responding to the issue paper believe that the Council has other work to do before making the transition from adopted subbasin plans to project selection. 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.

The staff considers this an on-going dialogue that is separate from, if running parallel to and informing, the Council's consideration of the subbasin plans for adoption into the program. For this reason, the staff is preparing a separate memorandum on the issues, the comments, and suggested next steps for Council consideration at the December meeting.

Most of the commenters, including a number of fish and wildlife managers and Bonneville, agreed with the staff that the Council can and should continue on the schedule it has set for considering and adopting the subbasin plans into the program while working on these issues. But the Nez Perce Tribe and the Confederated Tribes of the Umatilla Indian Reservation recommended that the Council delay its decision to adopt any subbasin plans into the program until it addresses and resolves these broader procedural issues. (The staff differentiates the comments from these two tribes from the position taken in the comment letter from the Commission, in that the two tribes focused on the broader suite of issues, and especially on the need to assess what the subbasins plans add up to from a collective vantage point, and not on the legal issue of “measures” and a demand for more specificity in the plans themselves as the first order of business.)

While the staff understands the importance these two entities place on resolving these issues before subbasin plan implementation -- the staff has the same sense of urgency -- the staff recommends not delaying the adoption of this first set of subbasin plans while the Council continues to work with these two tribes and others on these issues. We believe progress has been made in the last two months, and we seek Council approval to proceed further in defining how to accomplish these tasks. Simply because of the nature of the issues and the course of the dialogue, the Council will have to address these issues and settle on next steps by the conclusion of the subbasin plan adoption process. We have the time to accomplish this work, time that does not require the Council to hold up the adoption of the subbasin plans.

Most important, there is nothing about the resolution of these issues in the near-term that would require changing the recommended subbasin plans *before* program adoption -- what this is about is how to aggregate, assess, and make use of the subbasin plans once adopted. The 2000 Program explicitly states that development of these broader provincial objectives would take place *after* the development and adoption of subbasin scale amendments to the fish and wildlife program. The Council decided in the 2000 Program to call for province-level planning and the setting of objectives, and to do so *after* the development of subbasin assessments and plans, 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. What we would learn from developing and reviewing the subbasin plans would allow the region and the Council to then work at a broader scale in setting objectives and evaluating priorities. And then insights from review and decisions made at the province and basin scale will eventually inform decisions on how to revise the subbasin plans. Given what various entities believe is involved in “roll-up” or province planning, we believe that such work will over time help us understand how to improve the plans themselves, but this is likely at least a couple of years away.

**3. Comments offering corrections to assessments and inventories.** A number of the comments received on the draft subbasin plan amendments pointed out errors in the technical assessments or inventories for one or more of the subbasin plans. These were errors of the nature of a mis-labeled stream reach or the absence of an existing project from an inventory of projects in a table. None of the commenters asserted that the errors were of a nature to undermine the conclusions in the assessments or the reliance on the assessments in the management plans. The staff concludes the same from its review.

The staff recommends not making the corrections offered in these comments. The staff is incapable of judging whether the technical errors identified in these comments are accurate. It does not seem worth the time or resources to delay adoption of the subbasin plans for a month or more and reconvene the planning groups to evaluate these suggested corrections. This is especially true given that the staff recommends that the Council *not* adopt the assessments and inventories formally into the program. One of the reasons not to adopt these pieces is so that the technical assessments are easily updated and improved as new information is received or developed. At the time the Council concludes the adoption of all the subbasin plans into the program, the staff proposes the adoption as well of language setting forth a procedure for the periodic updating of the assessments and inventories. That will include a way to consider and include at appropriate times comments such as offered here suggesting minor corrections to the assessments and inventories.

**4. Relationship to hydroproject relicensing.** Comments from Avista Utilities on the Spokane and Coeur d'Alene plans and from a consultant on behalf of the Pend Oreille Public Utility District on the Pend Oreille plan raise an issue about the relationship of the subbasin plans and the Council's program to non-federal hydroprojects on the Columbia and its tributaries and especially to re-licensing proceedings for these projects pending before the Federal Energy Regulatory Commission. We are treating this an issue of general application, as so many of the subbasin with recommended subbasin plans include non-federal hydroprojects.

To the extent the comments state that the objectives and strategies in the subbasin plans do not or should not apply to the non-federal hydroprojects or to conditions for fish and wildlife affected by these hydroprojects, this is not correct as a matter of law. The Power Act calls on the Council to adopt a program to protect, mitigate and enhance fish and wildlife affected by the development and operation of any hydroelectric program on the Columbia and its tributaries, without distinguishing between federal and non-federal projects. And then Section 4(h)(11) of the Power Act provides that the federal agencies responsible for "managing, operating, *or regulating Federal or non-Federal* hydroelectric facilities" must exercise those responsibilities taking into account the Council's program to the fullest extent practicable at each relevant stage of decisionmaking. This provision clearly applies to FERC licensing and re-licensing of non-federal hydroprojects. The Council's program has always included measures to address the effects of non-federal hydroprojects, and FERC has faithfully taken into account the Council's program as it exercises its responsibilities. The subbasin plans, once adopted into the program, will be no different. FERC will have an obligation to consider these plans as they apply to any project undergoing relicensing.

The Council recognizes that as part of the FERC re-licensing process, a project license holder and FERC will have to assess the effects of the project on fish and wildlife, an assessment that will be one basis for the license holder to propose and FERC to decide on any mitigation obligations. The commenters here are concerned of the implications if their assessments differ from the subbasin assessments, or the mitigation planning to address the project assessments reaches different conclusions on objectives and mitigation strategies than did the subbasin planners.

These comments raise a fair concern, but not an insurmountable problem. In preparing and evaluating any project assessment, and engaging in mitigation planning, FERC and the license



holder will have to seriously consider the relevant subbasin assessment and management plan. But, the subbasin assessments and management plans are not binding on the agency. If differences emerge between the Council program's approach and the conclusions developing in the FERC process, involving either the assessments or the proposed strategies to address the assessments, FERC and the license holders logically should consult with the Council and the relevant participants in the subbasin plan to try to resolve these differences, as an obvious aspect of taking the Council's program into account to the fullest extent practicable. Ultimately, of course, FERC will have to reach its own independent conclusion, based on all the information before it and its multiple legal responsibilities.

## Specific subbasin plans

### **Subbasin:** Asotin

**Description of subbasin plan:** The Asotin plan was developed with the oversight of the Snake River Salmon Recovery Board (Snake River Board). In addition to recommending the plan for adoption as part of the Council's fish and wildlife program, the Snake River Board intends to use the subbasin plan in ongoing work on developing an ESA recovery plan. The staff review of the Asotin plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Asotin aquatic focal species are steelhead/rainbow trout, spring Chinook salmon, and bull trout; terrestrial focal species are white-headed woodpecker, flammulated owl, elk, yellow warbler, beaver, great blue heron, grasshopper sparrow, sharp-tailed grouse, bighorn sheep and mule deer. Assessment of aquatic habitats for steelhead and salmon within the Asotin subbasin was accomplished with the Ecosystem Diagnostic and Treatment (EDT) model. The terrestrial assessment occurred at two levels: Southeast Washington Ecoregion and subbasin level. Several key databases, i.e. Ecosystem Conservation Assessment (ECA), the Interactive Biodiversity Information System (IBIS), and the GAP analyses. For each priority restoration geographic area within the subbasin, working hypotheses were developed for each limiting factor, causes of negative impacts were listed, biological objectives were delineated, and strategies were proposed.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

Public Utility District No. 1 of Asotin County

- Encourages Council adoption of the subbasin plan as well as funding for implementation. Plan is supported by the Watershed Planning Unit for the Middle Snake-WRIA 35. Recognizes the need over time for additional refinements and scientific understanding, which will be addressed through ongoing planning discussions associated with the development of the WRIA 35 Watershed Plan and a regional salmon recovery plan.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

## **Subbasin: White Salmon**

### **Description of subbasin plan:**

The White Salmon subbasin plan was prepared by WDFW, with assistance from the Yakama Nation and opportunity for input from Klickitat and Skamania counties. The staff review of the White Salmon plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

A dominant feature of the White Salmon subbasin is Condit dam, which is scheduled for possible removal within the 10 to 15 year planning horizon for subbasin plans. EDT was used to analyze the probable change in fish conditions with the dam removed. Aquatic focal species are spring and fall chinook, steelhead, coho and rainbow trout. NOAA-Fisheries has listed Chinook salmon, chum salmon, and steelhead populations in this basin as threatened under the ESA. Coho salmon, while not currently listed, are considered a candidate species for protection under ESA.

The vision for the subbasin includes rebuilding anadromous populations of salmon and steelhead to healthy and harvestable levels. WDFW has proposed biological objectives for salmon performance are based on a rehabilitated White Salmon subbasin. Wildlife planners emphasized an ecosystem approach through use of focal habitat types while including components of single-species, guild, or indicator species assemblages. Terrestrial focal species: yellow warbler, western pond turtle, Lewis' woodpecker, western gray squirrel, Oregon spotted frog, and American beaver. Since the subbasin goals developed from the assessment efforts are not presently being met, the planners propose all habitat efforts focus on protection, restoration, and rehabilitation.

### **Summary of public comment on the subbasin plan as a draft program amendment**

Klickitat County Planning Department

- 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 have been addressed.
- Council should return the plan to the SB planning team to address the comments and provide planning team with the time needed to broaden participation.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

**Subbasin:** Bruneau

**Description of subbasin plan:** The Shoshone-Paiute Tribes led the development of the subbasin plan and contracted with the Idaho Industry on Council and Environment to conduct the public outreach and participation elements of the planning process. The planners used the Qualitative Habitat Assessment tool for the assessment component for aquatic species, and identified both aquatic resident and terrestrial focal species and/or habitats. Problem statements, objectives, and strategies were developed based on the assessment, and multi-species prioritization proposed. The staff review of the Bruneau plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

**Summary of public comment on the subbasin plan as a draft program amendment**

Lisa Jim and Tim Dykstra of the Shoshone-Paiute Tribe, November 4, 2004 (discussion following public hearing).

- Nevada, which BPA has historically not funded, is an area of strength for the Bruneau and Owyhee subbasins. The QHA models identify the strength in Nevada.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

## **Subbasin:** Columbia Gorge

### **Description of subbasin plan:**

The Columbia Gorge Mainstem plan lead was the Oregon Department of Fish and Wildlife, with assistance from LCRFB, LCREP, CTWSRO, ODEQ, USFWS, NOAA Fisheries, USGS, USFS, WDOE and WDFW. The staff review of the Columbia Gorge plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The Columbia Gorge Mainstem plan concentrated on white sturgeon, chum salmon and pacific lamprey as its aquatic focal species, with bald eagle and western pond turtle as focal terrestrial species. The plan built upon the Bonneville Reservoir subbasin summary developed for the Gorge Provincial review. Since the analytic tools used by the Council do not transfer readily to mainstem reaches, the assessment utilized data from existing studies of focal species to build its analytic framework and used expert opinion in an effort to fill existing knowledge gaps.

Strategies for the focal species and other species of interest are prioritized through a categorization of urgent need (strategies that need to continue or be implemented as soon as possible to achieve objectives); high priority need (a longer-term need to fulfill objectives, but some delay in implementation will not result in immediate or irrecoverable losses) and information need (strategies that may pose benefit, but a risk analysis should be conducted to determine whether there are potential conflicts with objectives or other strategies). The management plan also categorizes RM&E efforts for each focal species through the same approach.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

Washington State Department of Fish and Wildlife:

Comment sought to update bull trout research currently being implemented in Bonneville Reservoir by WDFW and the Confederated Tribes and Bands of the Yakama Nation. Comment makes reference to BPA research projects 200306500 and 19902400. The comment states that this project information should be included in section 4.4 of the plan.

### **Staff Recommendation:**

Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004. Explain in written findings completed at the conclusion of the amendment process that an "addendum" acknowledging comments from the independent science, Council, and public reviews, identifying errata, and discussing prospective planning work was provided after the plan was submitted in May 28, 2004, and included with the plan as it was adopted as a draft amendment and its release for public comment.

**Subbasin:** Fifteenmile Creek

**Description of Subbasin Plan:** The Fifteenmile Coordination Group, headed by the Wasco SWCD and included the CTWSRO, NRCS, USFWS, ODFW, ODA, ODEQ, NOAA Fisheries, Wy'East RC&D as members of the various planning teams. The staff review of the Fifteenmile Creek plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The Fifteenmile Creek subbasin plan focuses primarily on steelhead, listed under the Mid-Columbia Steelhead ESU, which includes the easternmost run of winter steelhead. Fifteenmile has no artificial production programs. The plan also includes strategies for smaller Columbia tributaries to the west of Fifteenmile Creek and the east of Hood River. The planners used the EDT tool for the assessment, including the "scenario builder" feature, and used a geographic gap analysis to produce its management plan priorities. Their primary aquatic strategies were listed in order of priority, based upon the relative increases each strategy produced in life history diversity, productivity, capacity and abundance when modeled through the EDT scenario builder. For restoration strategies, Riparian restoration, streambank bioengineering, large woody debris recruitment, low flow restoration and mitigation for upland runoff were the top strategies. Protection strategies largely focus on CREP and CRP enrollment as a major focus in this largely agricultural basin (81% of the land is in private ownership; 38% is forestland). Other aquatic focal species included lamprey and cutthroat. Not much is known about lamprey. The terrestrial portion of the program is something the planners would like to improve in future iterations of the plan.

**Summary of public comment on the subbasin plan as a draft program amendment:**

None.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

## **Subbasin: Flathead**

**Description of subbasin plan:** The Flathead Subbasin of northwestern Montana and the Southeastern corner of British Columbia constitute the northeastern-most drainage of the Columbia River. The Salish and Kootenai Tribe coordinated the development of the plan with Montana Fish, Wildlife, & Parks assisting as co-coordinator. A number of agencies, entities, and interested individuals participated in the development of the plan, including a diverse Technical Team. The staff review of the Kootenai plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The subbasin assessment examines the status of two aquatic focal species (westslope cutthroat trout and bull trout) and the status of the environment for target wildlife species. The Technical Team used QHA to assess the current condition of each stream in the subbasin and its value to each of the focal species. The planners developed and employed a spreadsheet called Terrestrial Biome Assessment (TBA) that utilizes existing data and the knowledge of professional biologists to assess the current condition of terrestrial habitats. The primary external factors impacting the Flathead Subbasin fish and wildlife resources come from the mainstem Columbia River federal hydropower operations, which profoundly influence dam operations at headwater reservoirs. On the subbasin scale, some of the factors limiting aquatic focal species include presence of non-native species, riparian condition, habitat diversity, fine sediment, and altered hydrograph. The management plan yields an approach for prioritizing strategies to assist the Council in recommendations for specific projects for BPA funding.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

#### **Flathead Lakers**

- Wish to reiterate comments submitted to the Council on August 10. Additionally, the Flathead SBP lists impoundment and hydropower operations as a primary limiting factor. Flathead Lakers encourages the Council and BPA to acknowledge the Kerr Dam license requirements, including the requirement for a drought management plan.
- Reiterate comment regarding the need for workshops for interested stakeholders to help them understand the assessment and plan and to highlight priority strategies and areas identified by the plan.
- Reiterate concern that it was difficult to understand the recommendations in the plan, where they apply and what the priority actions are. Cite specific recommendations for increasing clarity.
- Reiterate comments five through eight of their August 10 comments dealing with Tier II Prioritization Criteria and a table in the Management Plan dealing with priority scores.

#### **Bob Jamieson, BioQuest International Consulting**

- Is an ecologist and has done work for the Council and BPA on both sides of the border. Involved in design of the terrestrial portion of the assessment for both the Kootenai and Flathead SBPs.
- The Kootenai and Flathead plans have received kudos, but no one has had enough time to do the final segment justice.

- Need to think through the plans and implications in the long term. There needs to be follow up with planners and stakeholders to look at various aspects of the plan.
- Need to allow for inputs and proposals based on analysis that is independent of the process used in each plan. Essential elements in the plan may have been missed.
- Mapping of alluvial floodplains is a serious data gap in the plan.
- Need a province or even a basin wide process for addressing data gaps such as this.
- Provides a serious of recommendations for addressing gaps.
- Supports a funding mechanism outside the SB funding process to address these types of projects.

#### F.H. Stoltze Land & Lumber Co

- It would be helpful to have an overview of each individual project and the funding involved. This information was not available at the meetings and does not appear on the Council's website.
- Extremely disappointed to learn that only two of the five Montana SBs submitted recommendations for plan amendments. Who dropped the ball on these plan proposals?

#### The Gallatin Group on behalf of the National Organization to Save Flathead Lake

- Comments are provided to encourage the Council to adopt and implement the Flathead SBP.
- Plan acknowledges other existing plans and management programs. However, it does not acknowledge the Flathead Lake Drought Management Plan. Once complete it will be important to integrate the operations of Hungry Horse and Kerr Dams, which control the elevations of Flathead Lake.
- Cites limiting factors from the plan. A primary external factor affecting the Flathead SB resources comes from the Columbia River federal hydropower operations that "affect environmental conditions in the reservoirs upstream and river downstream of Hungry Horse and Kerr dams." Given this background, they encourage the Council and federal agencies to seek a fair and balanced operation of the entire hydro system. Only way to achieve the vision of this SBP and to achieve the long term mitigation goals of the Council's Program is to carefully review hydropower operations in the context of fish, flood, recreation, and power needs. The drought management plan is working in that direction.
- Hungry Horse and Kerr should be integrated and coordinated in a way that results in efficient and effective releases of drafts from Hungry Horse. Coordinated operations would help achieve the human community aspects of the vision statement.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004. Explain in written findings that the May 28, 2004 subbasin plan recommendation was modified by the planners with the approval of the Council (editorial and organization issues only, non-substantive).



**Subbasin: Hood**

**Description of subbasin plan:** The Hood River Subbasin plan covers not only the Hood River, but also the small tributary creeks to the Columbia River between Hood River and Bonneville Dam. The Hood River Soil and Water Conservation District took the lead in the basin and used the Hood River Watershed Group as its planning team, consisting of the CTWSRO, ODFW, USFS, USFWS, Hood River County, Port of Hood River, three irrigation districts, three city governments, the Hood River Growers and Shippers Association, Longview Fiber Co. and Union Pacific RR. The staff review of the Hood plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Focal species selected by the planners included spring and fall Chinook, winter and summer steelhead and bull trout. Limiting factors included low flow, channel stability, habitat diversity, key habitat quantity and sediment load. The plan notes that the scheduled removal of Powerdale Dam in 2010, along with restoration of physical habitat and connectivity at other passage impediments have the potential to substantially increase focal species. The planners used EDT for the assessment work, and ran six EDT habitat restoration scenarios. For terrestrial species, preventing further losses of big game winter range was important for the persistence of terrestrial focal species.

The Hood River plan strategies build upon the 2002 Hood River Action Plan. The Action Plan, included as an appendix but referenced as an aspect of the management plan, incorporated potential costs for several habitat restoration strategies. The Hood River Production Program continues to be a major feature of the Hood River subbasin plan.

**Summary of public comment on the subbasin plan as a draft program amendment:**

None.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

**Subbasin:** Intermountain Province Subbasins (Lake Rufus Woods, San Poil, Spokane, Coeur d’Alene, Upper Columbia Mainstem and Pend Oreille)

**Description of subbasin plans:**

The bi-state Intermountain Province Coordinating Committee was formed in 2001 to provide oversight and direction for the development of the subbasin plans in the Intermountain Province, and to organize those as an overall Intermountain province plan. The subbasins are the: San Poil, Spokane, Coeur d’Alene, Upper Columbia Mainstem, and Pend Oreille. Early in the process, the Intermountain Committee decided to split the Upper Columbia subbasin into two subbasins -- Lake Rufus Woods and the Upper Columbia. Three to six aquatic focal species were selected for each subbasin. Over 100 wildlife focal species were selected to represent four focal habitat types: riparian / wetland, steppe and shrub steppe, upland forest, and cliffs / rock outcrops. Assessment methodology used was QHA and IBIS. Provincial objectives were developed to support subbasin objectives, which in turn support specific strategies to address limiting factors. The Upper Columbia United Tribes submitted an additional related document entitled “Recommended Measures for the Intermountain Province Plan”. This additional UCUT document was provided to the independent scientists and public in the recommendation review processes.

The staff review of the Intermountain Province subbasin plans and related administrative record demonstrates that both their substance and public involvement aspects are consistent with the Council’s 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

**Summary of public comment on the subbasin plans as a draft program amendments:**

**Province comments:**

(applies to all Coeur d’Alene, Spokane, San Poil, Upper Columbia, Lake Rufus Woods and Pend Oreille)

**Inland Power and Light**

(Phone call log for Mr. Fred Rettenmund)

- Expressed concern with the plans, specifically the language in the objectives that calls for “full mitigation” for impacts due to the construction and operations of the hydropower system as well as language that calls for testing the feasibility of reintroducing anadromous fish above Chief Joseph and Grand Coulee dams. Mr. Rettenmund believes these objectives go beyond Power Act requirements.
- Mr. Rettenmund inquired about the adoption of plans into the F&W Program. He asks: “if they are adopted, does it mean that the Council is endorsing each and every aspect of the plans”?

**Inland Power and Light Company**

- Greater accountability and attention to cost effectiveness regarding fish and wildlife is critical.
- Portions of the plans that do not relate to impacts of the FCRPS should not be adopted.
- Council should examine potential for cost sharing from other parties for project capital expenditures and O&M.
- Council should not adopt a management plan unless it is sound public policy.

- It is unreasonable and unnecessary to call for actions (such as those found in the IMP Plan) that “fully mitigate” and “completely replace all losses” related to federal projects.
- Urges Council not to adopt plans containing unrealistic expectations or open-ended obligations.
- There should be a place for non-ESA mitigation actions, but priority should be given to ESA objectives and projects as well as those most cost effective.
- Further prioritization of projects is needed.
- SBPs are extensive and warrant a process that provides sufficient time for the Council and others to conduct a thorough review and examine implications.

Kalispel Tribe: Supports adoption; supports adoption of the UCUT and Kalispel tribe recommendations submitted in the “Recommended Measures” document submitted with the Intermountain Province plans.

Upper Columbia United Tribes: 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 subbasins. UCUT’s support for the IMP plan is contingent upon adopt of accompanying measures.

**Comment that applies to Spokane and Coeur d’Alene subbasin plans as draft amendments:  
Avista Utilities**

- Avista is concerned with the goals and objectives that reference the federally licensed hydropower projects. It is concerned that including federally licensed projects in the plan could create conflicts with the FERC relicensing project. Planners responded that FERC projects were included to meet stakeholder interests in attracting federal funding and further clarified that it was not the intent of the planning process to establish commitments for these non-federal hydropower systems.
- Avista is currently involved in a relicensing process for the Spokane River Hydroelectric Project. The relicensing identifies and evaluates resource interests associated with the operation of Avista’s hydroelectric developments on the Spokane River. Therefore, objectives and strategies identified in the IMP plan that reference the Spokane River Projects or its operations as a limiting factors, assumes impacts of the Project, suggests mitigation for losses, or suggests changes to the operation of the Project, are inappropriate and do not create an obligation for Avista.
- Cites need to include reports and assessments in the plan (available at <http://www.avistautilities.com/resources/relicensing/spokane/workgroups.asp?ID=10033>)

**Comment that apply to Pend Oreille subbasin as a draft amendment:**

**EES Consulting on behalf of Pend Oreille Public Utility District**

- Studies conducted for the Box Canyon Hydroelectric Project contain a significant amount of information about the resources in the river and its tributary streams between Boundary and Albeni Falls dams. The District suggests these studies be considered before finalizing the SBP.
- Comments contain 13 pages of fact checking, technical and editorial comments.

**Jim Carney, November 15, 2004**

- Served on the Pend Oreille SB Planning Team representing agriculture interests.
- Believes that inviting participation from some stakeholders was an afterthought. Plan was written by WDFW, IDFG and the Kalispel Tribe, while other stakeholders were expected to rubber stamp the plan.
- NPCC sought citizen participation, but the citizens were often ignored and to not have an equal voice in decision making due to their lack of technical education or background.
- The consultants were not always impartial. Agencies are potential future customers with financial backing, whereas farmers and citizens do not have this advantage.
- Landowners feel they were being used in order to “check the box” where landowner participation was called for. Meetings should be held in the evenings and weekends because landowners and citizens have jobs that preclude them from participating.
- Conservation Districts could have played a bigger role in the development of the SBPs.

**Staff Recommendation:** Adopt without changes the management plan portions of the recommended subbasin plans developed for the Intermountain Province. Also adopt the recommendations submitted by the UCUT tribes as an appendix to the management plans, with this understanding: As will be explained in written findings, the Council accepts the UCUT Tribes’ judgment that these specific actions -- and the staff considers them in the nature of specific project labels and funding recommendations -- are consistent with the subbasin plans they relate to, and that they represent priorities and further define the elements of the plans in the view of the tribal managers. The findings would also make clear, however, that adopting these recommendations as an appendix or companion piece to the subbasin plans does not commit the Council to recommend funding for the corresponding project proposals that may be submitted to implement these provisions at any specific time. No such commitment can be made at this time because matters such as funding availability, competing basinwide priorities, independent scientific review, consistency review with the subbasin plans, cost-effectiveness, and the need to consider alternative proposals by others must be considered in a project selection process.

*Note --* The comment from the utilities about the relationship of the fish and wildlife program to FERC-licensed projects and relicensing proceedings have been addressed above, as part of the discussion of general issues.

For the Pend Oreille subbasin -- In addition to raising an issue with regard to the relationship between the subbasin plan and FERC relicensing proceedings, the Pend Oreille PUD comments largely consist of suggested edits to the assessment component. This type of comment is also discussed above, in the general issues, and should be addressed in the Response to Comments along the lines explained there, possibly along with programmatic language at the end of subbasin plan adoption explaining the status of assessments and a method for updating.

## **Subbasin: Kootenai**

**Description of subbasin plan:** The Kootenai subbasin is partially located in Idaho and Montana and the Canadian Province of British Columbia. The Montana Fish Wildlife and Parks and the Kootenai Tribe of Idaho led the development of the plan with assistance from other state, Canadian Provincial, and tribal fish and wildlife managers. The Kootenai Valley Resource Initiative (KVRI) provided the public outreach component in the lower Kootenai portion of the subbasin. The staff review of the Kootenai plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The Kootenai Subbasin contains nine species of plants and animals that are threatened or endangered. The Technical Team selected bull trout, westslope cutthroat trout, redband trout, kokanee, burbot, and white sturgeon as the aquatic focal species. The team identified 78 target species terrestrial species. The planners divided the subbasin into six biomes: aquatic, riparian, wetland, grassland/shrub, xeric forest, and mesic forest and critical functional processes for each. They also described four reference conditions: pre-settlement (1850), present (2004), future potential (2050), and future no action (2050 with no change in current management). The Technical Team used QHA to assess the current condition of each stream in the subbasin. The planners identified mainstem Columbia River federal hydropower operations, reservoirs upstream and rivers downstream from Libby Dam, as the primary external factors impacting the Kootenai Subbasin fish and wildlife resources. The Kootenai Subbasin plan received one of the highest ratings in its review by the ISRP and other evaluators.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

Bob Jamieson, BioQuest International Consulting

- Is an ecologist and has done work for the Council and BPA on both sides of the border. Involved in design of the terrestrial portion of the assessment for both the Kootenai and Flathead SBPs.
- The Kootenai and Flathead plans have received kudos, but no one has had enough time to do the final segment justice.
- Need to think through the plans and implications in the long term. There needs to be follow up with planners and stakeholders to look at various aspects of the plan.
- Need to allow for inputs and proposals based on analysis that is independent of the process used in each plan. Essential elements in the plan may have been missed.
- Mapping of alluvial floodplains is a serious data gap in the plan.
- Need a province or even a basin wide process for addressing data gaps such as this.
- Provides a serious of recommendations for addressing gaps.
- Supports a funding mechanism outside the SB funding process to address these types of projects.

F.H. Stoltze Land & Lumber Co

- It would be helpful to have an overview of each individual project and the funding involved. This information was not available at the meetings and does not appear on the Council's website.
- Extremely disappointed to learn that only two of the five Montana SBs submitted recommendations for plan amendments. Who dropped the ball on these plan proposals?

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004. Explain in written findings that the May 28, 2004 subbasin plan recommendation was modified by the planners with the approval of the Council (editorial and organization issues only, non-substantive).

**Subbasin:** Lake Chelan

**Description of subbasin plan:**

The Lake Chelan subbasin plan as well as the Wenatchee, Entiat, Upper Mid-Columbia Mainstem, Methow and Okanogan subbasin plans were drafted under the oversight of the Upper Columbia Salmon Recovery Board (UCSRB). The lead entities for subbasin planning in Lake Chelan were Chelan County and WDFW. The plan relies heavily on research and analysis done by Chelan PUD to write an Environmental Impact Statement for the FERC relicensing effort for Lake Chelan. In addition to recommending the plan for adoption as part of the Council's fish and wildlife program, the UCSRB intends to use the subbasin plan in ongoing work on developing an ESA recovery plan. The staff review of the Lake Chelan subbasin plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The aquatic habitat was analyzed using the QHA methodology for assessment work. Aquatic focal species selected for Lake Chelan are steelhead and rainbow trout and Chinook salmon. Terrestrial focal species were selected to represent three focal habitats (Shrub steppe, Riparian Wetland, and Herbaceous Wetland) in the subbasin: pygmy rabbit, sage grouse, sage thrasher, sharp-tailed grouse, willow, beaver, Lewis' woodpecker, and red-winged blackbird. The Ashley-Stovall report describes in detail the wildlife assessment methodology, which is similar to that used in other Washington subbasins.

**Summary of public comment on the subbasin plan as a draft program amendment:**

None.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004

**Subbasins:** Lower Columbia Fish Recovery Board Plans (Cowlitz, Elochoman, Grays, Kalama, Lewis, Washougal)

**Description of subbasin plans:** The Cowlitz, Elochoman, Grays, Kalama, Lewis, Washougal subbasin plans as well as the Wind and Little White Salmon subbasin plans, were drafted with the oversight of the Lower Columbia Fish Recovery Board. The goal of the planning process is to develop a scientifically credible, socially and culturally acceptable, and economically and politically sustainable plan to: Restore the region's four fish species (Chinook salmon, chum salmon, steelhead, and bull trout) listed as threatened under the federal Endangered Species Act (ESA) to healthy, harvestable levels, and protect and enhance other fish and wildlife species that have been adversely affected by human actions, including the development and operation of the Federal Columbia River Power System.

The planning process integrates the following four interrelated initiatives to produce a single Recovery/Subbasin Plan for the lower Columbia (Washington side):

- Endangered Species Act recovery planning for four salmonid species listed as threatened. Coho salmon have also been included since they are a candidate species for listing.
- Northwest Power and Conservation Council (NPCC) fish and wildlife subbasin planning for eight full and three partial subbasins.
- Watershed planning pursuant to the Washington Watershed Management Act, RCW 90-82.
- Habitat protection and restoration pursuant to the Washington Salmon Recovery Act, RCW 77.85.

**Summary of public comment on the subbasin plan as a draft program amendment:**  
None.

**Staff recommendation:** Delay adoption pending revised plans. We expect to see revised plans the week of December 13<sup>th</sup>. It may be necessary to release the revised plans as amended draft fish and wildlife program amendments for additional public comment. This release of amended draft amendments/plans could coincide with the adoption and release of the second group of subbasin plans. This would allow us to re-link the above plans with the subbasin plans developed by the Board for the Wind and Little White, which were placed in the second group because of the need to expand wildlife elements, and make adoption decisions on the entire Lower Columbia River Board (WA) group at the same time.



**Subbasin:** Lower Snake River

**Description of subbasin plan:** The Lower Snake subbasin plan was developed with the oversight of the Washington State Snake River Salmon Recovery Board (Snake River Board). In addition to recommending the plan for adoption as part of the Council's fish and wildlife program, the Snake River Board intends to use the subbasin plan in ongoing work on developing an ESA recovery plan. The staff review of the Lower Snake plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Lower Snake mainstem aquatic focal species was limited to steelhead in tributaries to the mainstem Snake and terrestrial species are white-headed woodpecker, flammulated owl, elk, yellow warbler, beaver, great blue heron, grasshopper sparrow, sharp-tailed grouse, sage sparrow, sage thrasher, Brewer's sparrow and mule deer. Assessment of aquatic habitats for steelhead and salmon within the Lower Snake subbasin was accomplished with the Ecosystem Diagnostic and Treatment (EDT) model. The terrestrial assessment occurred at two levels: Southeast Washington Ecoregion and subbasin level. Several key databases, i.e. Ecosystem Conservation Assessment (ECA), the Interactive Biodiversity Information System (IBIS), and the GAP analyses. For each priority restoration geographic area within the subbasin, working hypotheses were developed for each limiting factor, causes of negative impacts were listed, biological objectives were delineated, and strategies were proposed.

**Summary of public comment on the subbasin plan as a draft program amendment:**

Public Utility District No. 1 of Asotin County

- Encourages Council adoption of the subbasin plan as well as funding for implementation. The Watershed Planning Unit for the Middle Snake-WRIA 35 supports plan. Recognizes the need over time for additional refinements and scientific understanding, which will be addressed through ongoing planning discussions associated with the development of the WRIA 35 Watershed Plan and a regional salmon recovery plan.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

**Subbasin: Malheur****Description of subbasin plan:**

The Malheur subbasin plan was developed through the joint administration of the Malheur Watershed Coalition, consisting of the Burns-Paiute Tribe and the Malheur Watershed Council. The staff review of the Malheur plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The Malheur Subbasin Plan built upon existing plans and coupled a QHA analysis for aquatic focal species along with the IBIS analysis for terrestrial species for its analytic approach. The plan uses bull trout, redband trout and spring Chinook as its aquatic focal species. Breaking the Malheur into six assessment units, the QHA analysis concluded that limiting factors included channel conditions, riparian conditions, low flow and habitat connectivity. A large variety of focal species comprised the terrestrial component, with loss of specific habitat types and degradation of current available habitat being the primary limiting terrestrial factors.

The plan depicts its strategy development with an emphasis on the limiting factors identified in the assessment and ties it to the scores of the QHA analysis of the six watershed planning units. Though not specifically prioritized, the plan does establish some guiding principles for prioritization of potential projects to address the strategies delineated in the Malheur Subbasin Management Plan.

**Summary of public comment on the subbasin plan as a draft program amendment:**

Burns Paiute Tribe:

- The Tribe has participated in the development of this plan. The Malheur plan was developed in a relatively short time frame and issues may have been overlooked. Comments suggest three specific language changes regarding the reintroduction of anadromous fish. These suggestions are consistent with project number 200302900, which was approved by the ISRP, CBFWA and NPCC.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

## **Subbasin: Owhyee**

**Description of subbasin plan:** The Owyhee Subbasin is located in three states, Oregon, Idaho and Nevada. Planning meetings were held in each of those states, and individuals representing all each states' and tribal fish and wildlife managers as well as local citizens participated in the development of the plan. The Owyhee Watershed Council and the Shoshone Paiute Tribes worked together to produce the plan recommendation. However, in the end, there was disagreement between the Watershed Council and the Tribe regarding the final product submitted to the Council, primarily related to concerns the Watershed Council has about some of the data and information used in the planning process. The Watershed Council submitted a dissenting opinion document that included alternatives to the plan presented the Council by the Tribe. The staff review of the Owyhee plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The Qualitative Habitat Assessment (QHA) tool was used for the assessment component. Redband Trout was chosen as the aquatic focal species and the following focal habitats and corresponding terrestrial focal wildlife species were selected: Upland aspen forest, aspen; Pine/Fir/Mixed Conifer Forests, Rocky Mountain Elk; Old Growth western juniper and mountain mahogany woodlands, mule deer; Shrub-steppe (including sagebrush steppe and salt-scrub shrublands), sage grouse, golden eagle, pronghorn antelope; Riparian and wetlands, Columbia spotted from, American Beaver, Yellow Warbler, Bald eagle, white-faced ibis; Agricultural Lands, California quail; grasslands, grasshopper sparrow; Canyon/Gorge, California Bighorn sheep, Peregrine falcon. It was noted that dam construction eliminated anadromous salmonids from the subbasin.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

Owyhee Watershed Council, October 27, 2004:

- Requests that the Council take into account this response as well as their "dissenting opinion" document.
- Drafted resolutions in consultation with the Shoshone-Paiute Tribes and/or NPCC staff addressing rights, licenses, grazing permits, water rights, etc. Request the addition of "disclaimer language" regarding the validity of the data included in the plan.
- Several other points in the resolution address the lack of or poor data quality and the need for sound science.
- Terrestrial species should be given greater consideration in the plan.
- QHA has limitations and this should be considered when viewing the results of the model.

Owyhee Watershed Council, November 22, 2004:

- Attempted to work cooperatively with all parties, however stands by its written dissent to the plan based on its lack of sound science. The Owyhee Watershed Council also disagrees with the ISRP of good scientific data in the plan.
- Given the dissension on the plan, OWC feels that BPA funds allotted to the Owyhee should not focus on capital projects. More scientifically sound data are necessary to

implement effective F&W restoration projects within the SB. An increase of sound science will lead to increased support for restoration efforts by local stakeholders.

Lisa Jim and Tim Dykstra of the Shoshone-Paiute Tribe, November 4, 2004:  
(discussion following public hearing for SBPs)

- Nevada, which BPA has historically not funded, is an area of strength for the Bruneau and Owyhee SBPs. QHA models identify the strength in Nevada.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004 as presented by the Tribe (without the “dissenting opinion and rebuttal”). Explain in written findings the nature of the Watershed Council’s concerns and objections, particularly with respect to data and information, as well as the position of the Tribe on the same issues. Consider including an explanation of the appropriateness under the Act of using the data and information available, and how its use for a fish and wildlife program amendment under the Northwest Power Act has no significant precedential meaning or value in other legal contexts where the data may be in issue.

**Subbasin:** Salmon River

**Description of subbasin:** The Salmon Subbasin has three distinct geographical separations, the upper salmon and the lower Salmon with a large wilderness area between the two. Idaho Department of Fish and Game did the technical assessment work for the entire subbasin. A planning team in the upper Salmon was under the direction of the Shoshone Bannock Tribes working closely with the upper salmon watershed group. A planning team under the direction of the Nez Perce Tribe was organized in the lower salmon. Teams in the upper and lower reaches and the technical team then coordinated production of the final product. Federal, state and tribal fish and wildlife managers along with other agency and local representatives participated in the development of the recommended plan. The staff review of the Salmon plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Focal aquatic species identified were Chinook Salmon, Steelhead, Bull Trout, Sockeye Salmon and important species Pacific Lamprey, White Sturgeon, Westslope Cutthroat Trout. Wildlife distribution and abundance were evaluated on their relationship and, at times dependence upon certain vegetation complexes: Riparian/herbaceous wetlands, Shrub-steppe, Forest, Native grassland, Aspen, Juniper/mountain mahogany, and Whitebark pine. The management plan is organized around problem statements, stepping down to objectives, and then strategies, all collectively aimed at the limiting factors outlined in the assessment findings. A quantitative method such as EDT or QHA was not used in the Salmon Subbasin.

**Summary of public comment on the subbasin plan as a draft program amendment:**  
None

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

**Subbasin:** Tucannon

**Description of subbasin plan:** The Tucannon plan was developed with the oversight of the Washington State Snake River Salmon Recovery Board (Snake River Board). In addition to recommending the plan for adoption as part of the Council's fish and wildlife program, the Snake River Board intends to use the subbasin plan in ongoing work on developing an ESA recovery plan. The staff review of the Tucannon plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Tucannon aquatic focal species are steelhead/rainbow trout, spring Chinook and fall Chinook salmon, and bull trout; terrestrial focal species are white-headed woodpecker, flammulated owl, elk, yellow warbler, beaver, great blue heron, grasshopper sparrow, sharp-tailed grouse, and mule deer. Assessment of aquatic habitats for steelhead and salmon within the Tucannon subbasin was accomplished with the Ecosystem Diagnostic and Treatment (EDT) model. The terrestrial assessment occurred at two levels: Southeast Washington Ecoregion and subbasin level. Several key databases, i.e. Ecosystem Conservation Assessment (ECA), the Interactive Biodiversity Information System (IBIS), and the GAP analyses. For each priority restoration geographic area within the subbasin, working hypotheses were developed for each limiting factor, causes of negative impacts were listed, biological objectives were delineated, and strategies were proposed.

**Summary of public comment on the subbasin plan as a draft program amendment:**

Public Utility District No. 1 of Asotin County

- Encourages Council adoption of the subbasin plan as well as funding for implementation. The Watershed Planning Unit for the Middle Snake-WRIA 35 supports plan. Recognizes the need over time for additional refinements and scientific understanding, which will be addressed through ongoing planning discussions associated with the development of the WRIA 35 Watershed Plan and a regional salmon recovery plan.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.

**Subbasin:** Umatilla**Description of subbasin plan:**

The Umatilla/Willow Subbasin Plan encompasses both the Umatilla River and Willow Creek, a tributary to the Columbia. The plan was developed by the Umatilla/Willow Core Partnership, which included the Confederated Tribes of the Umatilla Indian Reservation, Morrow SWCD, ODFW, Umatilla SWCD, Umatilla Irrigation Districts, and the Umatilla Watershed Council. The staff review of the Umatilla plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Aquatic focal species included bull trout, summer steelhead/redband trout, spring Chinook, fall Chinook and coho. The planners used the EDT for the assessment component, including the "scenario builder" tool to model three restoration scenarios. Though they caution that the results represent only a preliminary EDT effort, the results indicate that restoration of the top 19 geographic areas (defined by EDT) along with Phase III implementation of the Umatilla Project will lead to the greatest impact on salmon and steelhead abundance. The plan focuses habitat actions on natural production of focal species, but also contains a complete discussion of the role of artificial production and supplementation within the basin. The ISRP considered the Umatilla plan a model in its incorporation of artificial production within the context of the strategies developed for aquatic focal species.

Planners selected ten focal terrestrial species and conducted an assessment using existing data and the IBIS system. The group developed strategies for each habitat type to address the limiting factors of those habitats and their subsequent benefits to focal wildlife species. Objectives were prioritized, where possible, within each habitat type. Each set of strategies associated with an objective was also prioritized.

**Summary of public comment on the subbasin plan as a draft program amendment:****Confederated Tribes of the Umatilla Indian Reservation**

Submitted a revised plan accompanied by an errata sheet indicating specific changes made in October to the original plan submitted in May 2004. The revisions were agreed to by the full Partnership.

**Staff Recommendation:** Adopt plan with revisions made by the Umatilla/Willow Core Partnership as described in November 19, 2004 memo from CTUIR on behalf of the Partnership (to Karl Weist).

## **Subbasin: Upper Middle Mainstem**

### **Description of subbasin plan:**

The Upper Mid-Columbia Mainstem (UMM) Columbia subbasin plan as well as the Wenatchee, Entiat, Lake Chelan, Methow and Okanogan subbasin plans were drafted under the oversight of the Upper Columbia Salmon Recovery Board (UCSRB). Douglas County and WDFW partnered as lead entities to develop the UMM Columbia subbasin plan. In addition to recommending the plan for adoption as part of the Council's fish and wildlife program, the UCSRB intends to use the subbasin plan in ongoing work on developing an ESA recovery plan. The staff review of the UMM Columbia subbasin plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

Aquatic focal species selected for the UMM are steelhead and rainbow trout and Chinook salmon. The aquatic habitat was analyzed using the QHA methodology. Terrestrial focal species were selected to represent three focal habitats (Shrub steppe, Riparian Wetland, and Herbaceous Wetland) in the subbasin: pygmy rabbit, sage grouse, sage thrasher, sharp-tailed grouse, willow, beaver, Lewis' woodpecker, and red-winged blackbird. The Ashley-Stovall report describes in detail the wildlife assessment methodology, which is similar to that used in other Washington subbasins.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

None.

**Staff recommendation:** Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.



## **Subbasin: Willamette**

### **Description of subbasin plan:**

The plan was developed by the Willamette Restoration Initiative, with an extensive network of supporters and stakeholders involved in developing the strategies and reviewing the analysis. The staff review of the Willamette plan and related administrative record demonstrates that both its substance and public involvement aspects are consistent with the Council's 2000 Program, and were guided by informational materials provided by the Council, such as the Technical Guide for Subbasin Planners.

The planners used EDT (on three particular tributaries) and QHA on the various focal fish species (chinook, steelhead, bull trout, Oregon chub, lamprey) and used IBIS and the Oregon Natural Heritage Institute data for wildlife species in the assessment component. The wildlife approach takes aim at particular habitat types as the method for evaluating effects upon focal species. The plan places its primary focus on the need to restore complexity to the ecology of the Willamette River system. A prioritization strategy was presented that the ISRP believed should serve as a possible model for other plans lacking a defined prioritization methodology.

The Willamette Subbasin Plan notes that the loss of complexity in the basin has many causes, some being the building of major dams, channel simplification, and the conversion of lands for urban, agricultural and silvicultural purposes. The plan focuses on conservation as a primary strategy, noting that the 40,000 acres of public lands in the basin can form a conservation anchor for existing species. Lowlands should be incorporated in that conservation scheme, not just the forested uplands.

### **Summary of public comment on the subbasin plan as a draft program amendment:**

#### **Jim Middaugh, Public Hearing**

- 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.

#### **Bruce Newhouse, November 12, 2004**

- Note that terrestrial technical appendix that *Festuca rubra* is not native to the Willamette Valley.

### **Staff Recommendation:**

Adopt without changes the subbasin plan recommended to the Council in May 2004 and released for public review as a draft program amendment in October 2004.