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May 3, 2005

DECISION MEMORANDUM

TO: Council Members

FROM: Lynn Palensky and John Ogan

SUBJECT: Decision whether to adopt four subbasin plans as amendments to the Council's Fish and Wildlife Program

ACTION REQUESTED

In March of 2005, the Council released four subbasin plans as draft amendments to the Council's fish and wildlife program for final public comment. The staff has reviewed all the public comment on these draft amendments and further reviewed the proposed revised subbasin plans and recommends that the Council adopt as amendments to the Council's Fish and Wildlife Program the management plan portions of the following subbasins:

Upper Snake
Upper Snake - Closed
Upper Snake - Headwaters
Grande Ronde

The four subbasin plans proposed for adoption have been revised since they were submitted to the Council as recommendations for program amendments in May 2004. The revisions addressed specific areas where the staff believed additional work was required in order to find that the plans meet the adoptability standards based on the Act and 2000 Program. The four subbasin plan recommendations can be reviewed in their entirety on the Council's website. 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.

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.

Track 1 Plans: For the group of plans that met the adoptability standards as submitted (“green”/track 1), the Council staff prepared them to be adopted as draft program amendments. On October, 13, 2004, the Council released for public review and comment this first set of 29 subbasin plan recommendations as draft amendments to the Council’s Fish and Wildlife Program. The Council adopted 23 of those subbasin plans as final amendments to the program at its December 2004 meeting.

Track 2 Plans: The staff identified a second set of plans that required additional work before they could be adopted and released as draft amendments to the program -- the blue plans.

Track 3 Plans: The draft Upper Snake Subbasins and the Grande Ronde subbasin plans submitted on May 28, 2004 in staff's opinion, had deficiencies significant enough to prevent them from moving to the draft amendment stage in the first group of plans -- the "green" group of plans adopted as final amendments in December. Council was also of the opinion that these subbasins needed substantially more time than the "blue track" subbasins had to resolve deficiencies; therefore, Council allowed this third set of subbasins until the end of 2004 to revise plans.

A "Response Loop" was used to correct the deficiencies identified by staff

After the staff review of the plans, and its consideration of the public and independent scientists' report, the staff drafted a memorandum specific to each subbasin noting the particular deficiencies or issues, and then also drafted proposed remedies (the staff called these documents the "Section II write-ups"). The first questions that we investigated were whether or not the planning groups would be willing to address the problems identified by staff, and if so, could they develop a revised plan. The staff worked through the subbasin planning coordinators to answer these questions. In each case, the answer was that the planners would like to revise the plans to address the deficiencies. Council approved a response period through the end of the November for the Track 2 (blue) plans and through the Master Contract period of December 31, 2004, for the Track 3 (red) plans, which allowed us to maintain the adoption schedule. The staff used the subbasin specific memoranda to develop detailed, task-based statements of work, and the coordinators and planners developed proposed budgets against those statements. As of March 2005 the Council has adopted all the plans within the blue track.

Revised plans were submitted for the plans that were in the red track. The central and state staff, with the assistance of the state coordinators reviewed the revised plans against the statements of work. The general conclusion is that the responses were of high quality, addressing the deficiencies noted in the original reviews, and significantly enhancing the subbasin plans that they relate to. The staff opinion is that the four subbasin plan had deficiencies as originally submitted, but are now ready to be adopted as a final amendments.

Conclusion and recommendation:

Staff recommends that the Council adopt the four subbasin plans -- Grande Ronde and three Upper Snake subbasins-- as amendments to the fish and wildlife program.

Grande Ronde Subbasin Plan

Subbasin: Grande Ronde

Description of subbasin plan: Developed by the Grande Ronde Model Watershed, the Grande Ronde subbasin plan covers a 4000 square-mile territory in both Oregon and Washington. The Model Watershed has a fourteen-member board representing the various interests federal, state and tribal governments and private interests in the Grande Ronde basin. The Grande Ronde basin has 46% public land ownership and has a largely natural resource based economy.

The plan's focal species have ESA significance. Aquatic focal species include spring chinook, spring and summer steelhead and bull trout, all ESA listed. Wildlife focal species such as Rocky Mountain elk, Mountain goat, American beaver, bald eagle and Rocky Mountain bighorn sheep were selected to represent various terrain or habitat types. The plan also includes and examination of two rare plant types, quaking aspen and curleaf mountain mahogany. Planners conducted an extensive EDT analysis on the focal aquatic species that built upon one of the earliest EDT analyses performed in the Columbia basin.

Subbasin return objectives for anadromous stocks represent an escapement range to be achieved in 24 years, including natural spawning, a hatchery broodstock component requirement and a harvest component. The Grande Ronde Plan's strategies include artificial production as a significant component of recovery in the basin. The plan identifies many habitat actions to help build habitat availability to promote species recovery, but it also notes that out of basin factors (passage, etc.) continue to play significant roles in populations dynamics of Grande Ronde anadromous stocks.

The Council provided a period of time for planners to respond to several issues associated with the initial Grande Ronde plan. The Grande Ronde plan as initially presented lacked sufficient detail and linkage to artificial production strategies under consideration within the basin. Planners also had to complete initial EDT model population and then take the complete assessment information and link the strategies in the management plan to that completed assessment. The planners have responded to each of these concerns in their revised plan submitted to the Council in February.

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

None received.

Staff recommendation: Adopt with changes the subbasin plan recommended to the Council in May 2004 and incorporating the response from the Grande Ronde Model Watershed dated February 2005 and released for public review as a draft program amendment in March 2005.

Upper Snake Subbasin Plans

Subbasins: Upper Snake, Closed and Headwaters

Description of subbasin plan: The Upper Snake Plan (USP) was submitted as one document that covers the entire Upper Snake province -- three subbasins. The USP is the uppermost province of the Snake River system and includes areas within Idaho, Wyoming, Utah, and Nevada. It includes the Snake River and all its tributaries from its headwaters in Wyoming and Idaho to Shoshone Falls, Idaho. The Shoshone Bannock Tribes (SBT) worked with CH2M Hill, Idaho Fish and Game and many other state, federal and local interests to develop the plan.

Focal species either have special ecological, cultural, or legal status, or can be used to evaluate the health of the ecosystem and effectiveness of management actions. Aquatic focal species include resident fish and snails. Eight habitat types were selected for assessment of habitat and wildlife. Biological objectives were developed based on focal species and habitats; and focused on flows, water quality and connectivity above and below dams and increasing habitat quality through restoration or protection efforts.

The Council provided a period of time for planners to respond to several issues associated with the initial USP that were identified during plan review. The USP, as initially presented lacked a complete assessment, and therefore, reviewers were unable to adequately review the management plan. Within the response period, planners adequately addressed the limiting factors, the biological objectives, the linkages between the two and also provided a framework for which they could later prioritize projects in the implementation phase.

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

None received.

Staff recommendation: Adopt subbasin plans as recommended to the Council in May 2004 incorporating the revisions dated December 2004, and released for public review as a draft program amendment in March 2005.