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June 7, 2005

DECISION MEMORANDUM

TO: Council Members

FROM: Lynn Palensky and John Ogan

SUBJECT: Decision whether to adopt the John Day subbasin plan as an amendment to the Council's Fish and Wildlife Program

ACTION REQUESTED

In April of 2005, the Council released the John Day subbasin plan as a draft amendment to the Council's fish and wildlife program for final public comment. The staff has reviewed all the public comment on the draft amendment and further reviewed the proposed revised subbasin plan and recommends that the Council adopt as an amendment to the Council's Fish and Wildlife Program the management plan portion of the John Day subbasin.

The John Day subbasin plan proposed for adoption has been revised since it was submitted to the Council as a recommendation for program amendment in May 2004. The revisions addressed specific areas where the staff believed additional work was required in order to find that the plan met the adoptability standards based on the Act and 2000 Program. The John Day subbasin plan recommendation can be reviewed in its entirety on the Council's website. The staff recommends that the technical assessment and inventory 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 comments 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 -- each of which as been adopted into the program.

Track 3 Plans: The John Day Plan, along with six other 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. The John Day subbasin plan was the only plan allowed to be resubmitted as a revised draft after December 31, 2004. Under a separate contract with Oregon Watershed Enhancement Board, and by agreement with the Council the revised John Day plan was to be submitted in March, 2005. This subbasin plan is the last of the original 59 submitted in May 2004, to be adopted into the program.

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 May 2005 the Council has adopted all the blue track subbasins and all the red subbasins but the John Day subbasin plan.

A revised plan was submitted for the John Day plan from 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 response was of high quality, addressing the deficiencies noted in the original review. The staff opinion is that the John Day subbasin plan had deficiencies as originally submitted, but is now ready to be adopted as a final amendment.

Conclusion and recommendation:

Staff recommends that the Council adopt the John Day subbasin plan as an amendment to the fish and wildlife program.

John Day Subbasin Plan

Subbasin: John Day

Description of subbasin plan: The John Day Subbasin Coordination Team, led by the Columbia Blue Mountain RC&D, developed the John Day subbasin plan. A large group of stakeholders including state and federal agencies, tribal governments, local Soil and Water Conservation districts, watershed councils and non-governmental agencies contributed to the development of the John Day plan.

Five aquatic species and 11 terrestrial species in the John Day Subbasin were selected as the focal species for the subbasin plan. Criteria used in selecting the focal species include a) designation as a federal threatened or endangered species, b) cultural significance, c) local significance, and d) ecological significance, or ability to serve as an indicator of environmental health for other aquatic or wildlife species.

The five aquatic focal species include: summer steelhead, spring chinook, bull trout, redband trout, and westslope cutthroat trout. The John Day Subbasin is considered one of the most important subbasins in the Columbia River system, as it supports two of the last remaining intact wild anadromous fish populations in the Columbia River Basin. An additional determining factor specific to the selection of aquatic focal species was the availability of information on population status, life history, and habitat requirements.

The eleven terrestrial focal species include: pileated woodpecker, white-headed woodpecker, red-naped sapsucker, ferruginous hawk, grasshopper sparrow, California bighorn sheep, sage sparrow, Columbia spotted frog, yellow warbler, American beaver, and great blue heron. These species were chosen because they are locally significant as components of terrestrial wildlife diversity in the John Day Subbasin.

The use of EDT posed a significant challenge for subbasin planners in the John Day. The team identified over 1200 individual reaches for rating on EDT parameters. By May 2004, the team had rated about 800 of the reaches, but that was insufficient for a complete EDT analysis. The results of the original EDT runs also turned up some anomalous results. Thus, the original plan submitted had flaws that the Council asked planners to rectify. Supplemented with funding from the Oregon Watershed Enhancement Board, the revised John Day plan includes a complete EDT analysis and a significantly improved and well-linked management plan that addresses the Council's concerns.

Using the improved EDT analysis, local technical teams established priority rankings in three distinct geographic areas, with strategies ranked in each area. Following is a brief summary of the established priorities for each of the geographic areas:

- Lower and Middle Mainstem John Day River (below Kimberly) Priorities:
 - First priority – Protection of existing habitat
 - Second priority – Passage
 - Third priority – Flow restoration
 - Fourth priority – Riparian habitat improvements
- Middle Fork and North Fork John Day River Priorities:

- First priority – Protection of existing habitat
- Second priority – Passage and riparian habitat improvements
- Third priority – Fish screens
- Fourth priority – Instream habitat improvements, upland restoration, and flow restoration.
- Mainstem and South Fork John Day River Priorities:
 - First priority – Protection of existing habitat
 - Second priority – Passage
 - Third priority – Flow restoration
 - Fourth priority – Riparian habitat improvements

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

Steve Anderson (landowner) offered testimony that he would like to have seen the plan encourage the Bureau of Land Management to adopt stronger fire suppression policies to protect habitat work done in small watersheds that is comprised by wildfire.

Linda Brown (Warm Springs Tribe, John Day Office) Supports the subbasin plan.

Staff recommendation: Adopt with changes the subbasin plan recommended to the Council in May 2004 and incorporating the response from the Columbia Blue Mountain RC&D entitled John Day Subbasin Revised Draft Plan dated March 15, 2005 and released for public review as a draft program amendment in April 2005.

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