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December 1, 2005

## MEMORANDUM

**TO:** Council Members

**FROM:** Mark Fritsch, Project Implementation Manager

**SUBJECT:** Step review of the *Johnson Creek Artificial Propagation Enhancement*, Project #1996-043-00.

### PROPOSED ACTION:

On December 8, 2004 the Council received the Nez Perce Tribes' Step 2 submittal for the *Johnson Creek Artificial Propagation Enhancement Project* (JCAPE) intended to address step review elements and conditions placed on the project over the past six years as part of project selection processes. At your meeting in December the Council staff will provide an overview of the Step 2 submittal and discuss the Fish and Wildlife Committee's recommendations for the project.

### SIGNIFICANCE:

The Fish and Wildlife Committee recommends that the Council acknowledge that the requirements set by the Council on the Johnson Creek Artificial Propagation Enhancement Project over the past several years have been satisfied. This recommendation is conditioned on the understanding that the future scope and objectives of the JCAPE project will be reviewed and prioritized as part of the FY 2007 - 2009 project selection process.

### BACKGROUND:

In 1996, the Council approved 15 high priority supplementation projects under Program Measure 7.3B. The Johnson Creek Artificial Propagation Enhancement Project (JCAPE)<sup>1</sup> was proposed as an artificial propagation enhancement project for ESA-listed summer Chinook at the Johnson Creek tributary to the South Fork of the Salmon River. The project proposed to use small-scale, portable acclimation facilities in conjunction with existing facilities at the Lower

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<sup>1</sup> High priority supplementation project #6.

Snake River Compensation Plan (LSRCP) McCall Hatchery to recover the depleted Johnson Creek summer Chinook salmon population. The project was proposed as an addition to LSRCP requirements at the McCall Hatchery.

On January 29, 1998, Council staff met with Nez Perce Tribe (NPT) and Bonneville staffs to discuss the status of the project. Due to the critically low abundance of this population of summer Chinook it was determined by the NPT that this run year (1998) might be the last sizeable return of fish to allow taking of brood stock to prevent demographic extinction. The NPT indicated the project needed to go forward and trapping of adults should begin in July 1998. It was determined that this action would require an emergency approval that covered funding activities needed only for adult trapping and spawning, and incubating eggs and rearing juveniles. Existing facilities would be used for adult collection (portable weir), egg incubation, and juvenile rearing at McCall Hatchery. It was anticipated that the Council would consider construction of additional facilities for rearing and acclimation in October 1998, once appropriate plans, and ESA and NEPA reviews were completed.

At the June 30, 1998, meeting in Helena, the Council recommended funding the Johnson Creek Artificial Propagation Enhancement Project to collect summer Chinook salmon adults and rear juveniles. As a condition to recommending funding, the Council called for additional information requested by independent peer review be submitted by the Nez Perce Tribe for consideration during the next review step expected to begin in October 1998.

Between January 1999 and September 2000 the Council received several letters from the NPT regarding revised submittal dates, including a letter dated September 14, 2000 regarding cost increases and design alterations addressing the inadequacies of the water being delivered to the McCall Fish Hatchery.<sup>2</sup> Therefore, the NPT recommended the construction of a new pipeline to supply water for the JCAPE production. Several interactions (e.g. meetings and e-mails) occurred after receipt of the September 14, 2000 letter. During this time several discussions occurred discussing the water supply pipeline and its implication to the original scope of the project and ramification to timeframes, cost, NEPA and other possible alternative.

On April 2, 2002, the Council recommended as part of the FY 2002 Programmatic Issues for the Mountain Snake and Blue Mountain provinces that the Johnson Creek Artificial Propagation Enhancement Project (Salmon Issue #8) be funded at levels consistent with past Council decisions in FY 1998 and FY 2001. This decision was based partly on the Independent Scientific Review Panel's recommendation not to fund the project because of impacts to the original study design of the Idaho Supplementation Studies (ISS).<sup>3</sup>

Prior to 2002, the JCAPE had planned for a 300,000 annual acclimated smolt release. This level of supplementation required expansion of the McCall Fish Hatchery as well as adult holding and smolt acclimation facilities on Johnson Creek. In August 2002, National Oceanic and Atmospheric Administration (NOAA) Fisheries indicated that the JCAPE program would

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<sup>2</sup> An additional 4-cfs is needed for JCAPE to meet its full production goal of 300,000 smolts. There is also a concern that one alternative for obtaining the 4 cfs needed (e.g. pumping and altering the intake structure) could jeopardize the existing program.

<sup>3</sup> The Council recommended that the Johnson Creek cooperators specifically detail how they agreed to move Johnson Creek from a control stream in the ISS study to one that was supplemented.

only be permitted to supplement 100,000 smolts annually.<sup>4</sup> Following this decision, the JCAPE project stopped all design activities, since with this production level there would be no need for new facilities at a capital construction costs level.

As part of the Council's FY 2004 (September 2003) recommended budget, funding for the JCAPE project was conditioned on a need to discuss and define the future direction of this project.

This direction was confirmed by Bonneville on January 22, 2004<sup>5</sup> noting that the "FY 04 allocation presumes a future step decision prior to proceeding with the total work defined by this budget". This letter also documented how in previous fiscal budgets the JCAPE project was budgeted as a capital project, but since the project would not be entering the facility construction phase it was revised to an expense project.

### **BUDGETARY/ECONOMIC IMPACTS:**

Total costs, including the recommended FY 2006 budget, for the Johnson Creek Artificial Propagation Enhancement (JCAPE) project approximates \$10,352,000. Beginning in FY 1997, the JCAPE project began a limited supplementation program of up to 100,000 smolts annually in existing facilities at the McCall Fish Hatchery. In addition, a comprehensive monitoring and evaluation program was initiated in FY 1998. Annual operation and maintenance (O&M) costs are currently \$378,000 annually, and monitoring and evaluation (M&E) cost are currently at \$545,000 annually.

#### Costs to Date<sup>6</sup>

<b>FY</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Planning</b>	169		464	582	205	371	139				
<b>O&amp;M</b>		691	593	442	452	496	540	534	517	378	378
<b>M&amp;E</b>			241	275	285	351	363	387	406	545	545

### **ANALYSIS:**

The Council's last extensive comment regarding this project was made on April 2, 2002 as part of the FY 2002 Programmatic Issues for the Mountain Snake and Blue Mountain provinces. At that time the JCAPE project (Salmon Issue #8) was conditionally funded at levels consistent with past Council decisions in FY 1998 and FY 2001. The Council provided four specific conditions. Conditions one and two pertained to the relationship of JCAPE to the Idaho Supplementation Study.<sup>7</sup> These conditions were considered and addressed as part of the ISRP review<sup>8</sup> and Council recommendation<sup>9</sup> regarding the Idaho Supplementation Study in 2003 and

<sup>4</sup> The JCAPE project is authorized by NOAA Fisheries through ESA section 10(a)(1)(A) Research/Enhancement Permit Number 1250 which covers 2005-2009.

<sup>5</sup> Letter from Therese Lamb (Bonneville) to David Johnson (NPT), dated January 22, 2004.

<sup>6</sup> Costs are in thousands of dollars.

<sup>7</sup> Idaho Supplementation Studies (IDFG/IOSC # 1989-098-00; USFWS # 1989-098-01; NPT # 1989-098-02; and SBT # 1989-098-03).

<sup>8</sup> On May 22, 2003 the ISRP completed its review of the submittal and provided their review (ISRP document 2003-8).

<sup>9</sup> On July 15 -16, 2003 the Fish and Wildlife Committee recommended that Bonneville continue to fund the Idaho Supplementation Studies for one additional year subject to the ISRP stated requirements for carcass data collection

are not relevant to this current review. The third and fourth conditions addressed previous issues and the future expectations associated with JCAPE and remaining conditions that needed review.

On December 8, 2004 the Council received the Nez Perce Tribes (NPT) Step 2 submittal for the *Johnson Creek Artificial Propagation Enhancement Project* (JCAPE) intended to address step review elements and conditions placed on the project over the past six years as part of project selection processes. On January 5, 2005 the submittal was provided to the ISRP.

On February 18, 2005 the ISRP provided a preliminary review of the NPT Step 2 submittal for JCAPE. In the preliminary review, the ISRP provided a set of 22 recommendations.

On April 26, 2005 the NPT submitted their response to the ISRP's preliminary review. In their response, the NPT asserted that a number of the ISRP's 22 recommendations were management decisions, and therefore did not pertain to the scientific merit of the JCAPE.<sup>10</sup>

On June 21, 2005 the ISRP provided their review of the NPT response (ISRP 2005-12)<sup>11</sup>, stating that the NPT had "made progress," but concluded that the responses did not fully satisfy the scientific elements needed to provide a favorable review due to (1) issues surrounding the underlying scientific understanding of supplementation and (2) the inadequacy of the Monitoring and Evaluation Plan to "meet the Council's APR Principle 2: Artificial production must be implemented within an experimental, adaptive management design that includes an aggressive program to evaluate the risks and benefits and address scientific uncertainties".<sup>12</sup>

These issues are not new to the review panels or the policy makers in the Columbia Basin. In recent documents from the ISRP (ISRP Document 2005-14) and a joint document by the ISRP and ISAB (ISRP & ISAB Document 2005-15) reference these issues as "recurring themes" in their review histories.

These reoccurring themes also highlight the debate between fisheries management and fisheries science in the Columbia River Basin and may explain why they repeatedly emerge as issues. A major aspect of this debate is not necessarily the science, although that definitely explains part of the problem, but is more related to the scale, logistics, commitment of resources, and cost of implementing projects to monitor and evaluate the hatchery projects in the basin. Not only has the Council raised the concern for the cost associated with these projects, but the sponsors also have raised the concern of the reality and the capacity to implement a monitoring design that is so complicated and costly.

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in 2003, evaluation of DNA-based assessment of treatment and control populations, and development of a final design for Phase III.

<sup>10</sup> In the NPT response the NPT addressed ISRP Recommendations 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. The NPT believe that ISRP Recommendations 1, 3, 4, 6, and 7 were matters of management policy and so will address their responses to those issues directly to the Council. Council staff felt that this approach was appropriate.

<sup>11</sup> The ISRP also acknowledged the concerns that the NPT had with some of their initial recommendations. The ISRP stated that many of their recommendations were intended to provide concise elements for the NPT to focus on the underlying scientific basis for supplementation and on the scientific basis of the monitoring and evaluation of the project's performance indicators and uncertainties.

<sup>12</sup> At the request of the NPT a teleconference occurred with the ISRP on July 19<sup>th</sup> to clarify these issues raised by the ISRP.

As the Council is aware, a regional monitoring and evaluation plan is being initiated in the guidance for the next solicitation and review process (FY 2007-2009). At this stage of its development, the regional approach is best characterized as a matrix with the entities responsible for monitoring on one axis, and the range of monitoring needs on the other. This conceptual framework needs further refinement and definitions prior to action, but it is this type of approach that is needed for the Council to provide a vision of how to accomplish a regional monitoring plan. The fish and wildlife program cannot fund all the monitoring priorities in the framework but should support those elements of on-going or needed monitoring projects that will assist in filling key gaps in the framework. To improve our ability to evaluate this work at scales beyond that of individual projects (e.g., subbasin and provincial), the Council needs to utilize the FY 2007 - 2009 project-selection cycle to facilitate the development of this regional approach to monitoring by supporting a shift in emphasis from project-specific monitoring development of a regionally integrated structure.

As this relates to the JCAPE project it is important to note that the Council staff is confident that the NPT could revise their current monitoring and evaluation plan to meet the expectations of the ISRP. This confidence is based on the performance of the NPT staff regarding these monitoring and evaluation issues in the past actions associated with other projects (e.g., NPTH and NEOH). However, the Council staff is concerned that the program could not sustain this level of project-specific monitoring and evaluation as it relates to the anticipated budgets for the FY 2007 - 2009 project-selection cycle. In addition, the time frame for this revision and submittal by the NPT, and the Council review and decision process, would be concurrent to the anticipated FY 2007 - 2009 solicitation and review process.

At this time it seems appropriate to ask the sponsor not to revise the monitoring and evaluation plan or for the Council to undertake an additional review process until regional guidance is configured for these efforts in the Columbia Basin. As you are aware the Council staff is working through the region, as part of the FY 2007-2009 review process, to initiate and implement this regional process. For this reason the Fish and Wildlife Committee recommends that the Council acknowledge that the requirements set by the Council on the Johnson Creek Artificial Propagation Enhancement Project over the past several years have been satisfied. This recommendation is conditioned on the understanding that the future scope and objectives of the JCAPE project will be reviewed and prioritized as part of the FY 2007 - 2009 project selection process.

# Johnson Creek Artificial Propagation Enhancement Project

December, 2005

# Background

- 1996
  - High Priority Supplementation Project (#6)
- 1998
  - June - Council approved collection and rearing
- 2002
  - April - Salmon Issue #8, Mountain Snake
  - August - permitted for only 100,000 smolts
- 2003
  - September – conditioned as part of the FY 2004 Start-of-Year Budget
- 2004
  - January – BPA confirmed the FY 2004 condition

# Step Submittal

- December 2004
- ISRP preliminary review February 2005 – 22 recommendation
- April 2005 NPT submitted response
- June 21, 2005 ISRP provided their final review
  - Underlying scientific understanding
  - Emerging scientific understanding
  - M&E Plan
- Teleconference July 19, 2005



# Budgetary/Economic Effects

■ Costs to date	\$10,352,000
■ FY 2006	\$923,000
■ O&M (Annual)	\$378,000
■ M&E (Annual)	\$545,000

# Analysis

- ISRP issues are recurring and common themes in the review of artificial production projects
- Not only the science, but the complexity of the M&E and the costs and commitment of resources
- The region as a whole is dealing with these issues
- Region is discussing how to move from project specific to a programmatic regional approach

# Recommendation

- Ask the sponsor not to revise the monitoring and evaluation plan
- No additional review process
- Regional guidance, as part of the FY 2007-2009 review process, to initiate and implement this regional process.
- Fish and Wildlife Committee recommends that the Council acknowledge that the requirements set by the Council on the Johnson Creek Artificial Propagation Enhancement Project over the past several years have been satisfied.
- This recommendation is conditioned on the understanding that the future scope and objectives of the JCAPE project will be reviewed and prioritized as part of the FY 2007 - 2009 project selection process.