

**Upper Snake (Headwaters, Closed Basin, Upper Snake) Subbasin Plan Recommendation
Proposed amendment to the
Council's Fish and Wildlife Program**

Key issues in consideration of its adoption as a program amendment, based on the standards in the Northwest Power Act and the 2000 Fish and Wildlife Program.

I. Background

As required by the Northwest Power Act, the Council released to the public the recommended subbasin plan for a period of public comment. The Council received comment from the following:

Marti Bridges, Idaho Department of Environmental Quality; Rick Just, Idaho State Park and Recreation; Scott Marshall, Idaho Department of Lands; Bill Wichers, Wyoming Game and Fish Department; Travis Thompson, Barker Rosholt & Simpson LLP; Gary Burton, United States Fish & Wildlife Service; James Caswell, Office of Species Conservation; Jerry Nicolescu, Idaho Soil and Conservation Commission; Frank Prietley, Idaho Farm Bureau Federation

These comments have been placed in the administrative record for this program amendment recommendation. During the comment period the Council also asked a panel of independent scientists to review and comment on the proposed plans, as called for in the 2000 Fish and Wildlife Program. The panel provided the Council its report on August 12, 2004.

The Council staff has reviewed the subbasin plan proposals and the written comments, including the independent scientists' report. Based on this review, the staff has identified key issues, outlined below, that the Council will have to address as it considers adopting the proposed plan as part of the fish and wildlife program. The staff relied in its review and identification of key issues on the standards for reviewing recommendations for program amendments in the Northwest Power Act and the standards for subbasin plans adopted by the Council in its 2000 Fish and Wildlife Program.

The next steps in the amendment process for the Upper Snake subbasin plan are as follows: First, Oregon's subbasin planning coordinator will review with the appropriate representatives of the planning group the issues that bear upon the adoptability of the plan as identified by the Council staff through its review of the plan recommendations, public comment, and independent science report. In many instances, the Council staff has proposed how the issues could be addressed by the planners that would bring the plan to an adoptable condition. This is presented in Section II below. The staff believes that the Council's decisions to issue draft program amendments will likely be made at one or more of the Council meetings in October, November or December -- the final schedule will be established by the Council at its September meeting. The staff's analysis of the Upper Snake proposed plan is that much of the work needed to bring the plan up to adoptability standards could be accomplished during the response period, but additional time is likely needed to complete all of that work, and that the plan may not be ready to be adopted as a Council draft this calendar year.

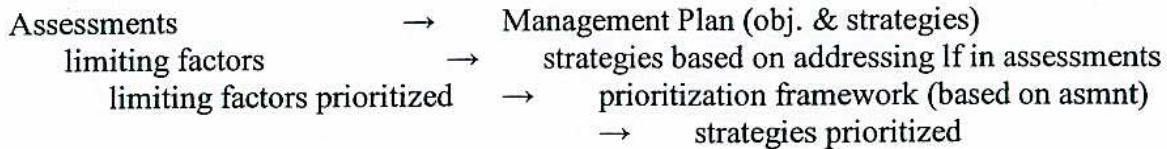
The planners, subject to terms developed in coordination with the state coordinators and Council staff, will be asked to respond to the issues in Section II as proposed by the Council staff or, if appropriate, propose an alternative treatment of the issues to the coordinator and Council staff, for their review as to whether that alternative treatment could bring the plan up to the required standards for adoption. The subbasin planners and Council need to develop a specific time schedule and work product deadlines for the additional work on the Upper Snake plan.

II. Summary of Key Issues Requiring Treatment in Order to Adopt the Plan

The Council staff's review of the recommended Upper Snake subbasin plan and the written comments on that plan, including the independent scientists' report, identified one key issue that must be addressed as this plan is considered for adoption as an amendment to the program.

The proposed subbasin plan is incomplete. The assessment component was not completed prior to submission, and therefore, an adequate foundation for first developing and then reviewing the management plan is lacking.

A key concept in calling for subbasin plans consistent with the 2000 program framework has been that the objectives and strategies in the management plan element would be driven by the biological problems identified first in the technical assessments. So a central question asked of every plan has been whether the objectives and strategies in the management plan have been linked to -- based in and driven by -- the biological problems and limiting factors identified in technically adequate assessments? A schematic that illustrates this concept is:



The comments and the staff review of the proposed Upper Snake subbasin plan indicate that this "linkage" of the key limiting factors to that management plan objectives and strategies has not yet been developed because substantially more work is needed to complete and/or organize the assessment component. To have the linkage (or "logic-path") presented above, the assessment component must be substantially complete, clear, and technically adequate to serve as the basis for developing the vision, objectives and strategies of the management plan element. The comments from the independent scientists' report (pp. 54-56) and the full review checklist should be considered by the planners as they complete the assessment development and reorganization. The Technical Guide should continue to be the primary template. As this assessment work proceeds, the comments of the science reviewers suggest that the following items require special consideration:

- Secure and use the assessment overview material that was presented;
- Explain fully the choices of focal species;
- Reevaluate all of the terrestrial portion of the species status and characterization;
- Clearly state the assumptions, judgments, working hypotheses, models, literature, etc used to make judgments about how the focal species related to the environment/ecological processes (essentially a statement the analytical approach);
- Synthesize the assessment and with key findings that include identification of those factors that limit the productivity of focal species;
- Organize the assessment material so it is easily located in one file or section;

When the assessment component is completed, complete the inventory and management plan as described by the Technical Guide for Subbasin Planners, focusing on the "linkage" or logic-path illustrated above.

The Council staff is aware that the Upper Snake subbasin is large and that the planners were able to start work relatively late in the process. The staff also believes that the work completed to date is quality and on the right track. The staff recommends that the Idaho state coordinator and subbasin planners evaluate the capacity and resources of the current planning team to complete the assessment component, inventory, and management plan. If different or additional resources are required to complete a plan conforming to the Technical Guide for Subbasin Planner's within approximately the next six months, those should be identified and discussed with the Council's subbasin planning coordinator. The Council will need to develop and approve a specific scope of work and schedule for the completion of this plan.

Other Issues

The Council staff does not believe that the issues discussed below affect the ability to adopt the plan under the standards of the Act and Program. However, the subbasin planners should seek out opportunities to address them as the work described above is done.

- The Council staff and science reviewers have suggested that it may be advisable for some plans to produce a short supplement to the full management plan, not more than 20 pages, explaining: (1) the key factors limiting biological potential of the selected focal species in the subbasin (referencing the existing assessment, but including in that discussion the improvements discussed above); (2) which limiting factors are of priority to address first (if possible, and again referencing the existing assessment); (3) a description of the objectives and strategies -- including more specific definition of the strategies (*see* page 120 of the science review) -- with an explanation and direct link as to how particular strategies address the limiting factors identified; and (4) either a prioritizing of the strategies (related to the priority limiting factors) or a description of a "prioritization framework," i.e., the criteria/considerations and procedures that would be used to develop and prioritize proposed actions in future project selection processes consistent with the assessment and linked strategies. The Upper Snake planners are **not** required to produce this supplement, and this supplement would not address the problems that currently bar adoption discussed above. However, since substantial planning work remains, the planners may be able to efficiently produce this sort of supplement as an additional piece to the plan that increases its usability and may want to consider doing so.
- The independent scientists comments found fault with the research, monitoring and evaluation provisions in may proposed plans. Developing an adequate monitoring and evaluation program is an issue larger than individual subbasin plans. The Council staff has recommended in general that these m&e issues be addressed outside of subbasin planning in forums already working on reforming the basin's approach to m&e. Problems identified with the m&e portions of the proposed subbasin plans will not be a basis for deciding not to adopt a plan into the program, and the planners are not being required to address the m&e comments and issues. That said, if the planners are able, in the supplemental work being asked of them above, to at least describe better how the results of m&e will be taken into account to make further decisions about objectives and strategies, the result would be an improved plan.
- The planners are reminded to remain mindful that the planning work should continue to be open to and broadly inclusive of the public, seek the advice and support to the fish and wildlife agencies and tribes, and to use the Technical Guide as the template for what is needed in a plan to meet the adoption standards.