

Project 32003
White sturgeon put, grow, and take fishery feasibility assessment, Oxbow/Hells Canyon reservoirs.

Nez Perce Tribe
Department of Fisheries Resources Management
P.O. Box 365
Lapwai, ID 83540
March 12, 2002

ISRP Comment No. 1

Why is BPA funding being sought rather than having the project supported by Idaho Power, as the problems being addressed were caused by its facilities.

Response to Comment No. 1

BPA funding is being sought for this proposal as off-site mitigation for losses of white sturgeon subsistence opportunities caused by construction and operation of the Federal Columbia River Power System (FCRPS), not for losses caused by the Idaho Power Snake River Complex proper. As described in Section 16 (Findings) of the 1995 NPPC Program, this is analogous to BPA funding enhancement measures above the Hells Canyon Complex as off-site mitigation for impacts caused to anadromous fish by the FCRPS (NPPC 1995a). Measure 10.4A.5 of the NPPC's 1995 Fish and Wildlife Program Amendments (Section 10) directs BPA to fund an evaluation of a put-and-take consumptive sturgeon fishery in Hells Canyon and Oxbow Reservoirs (NPPC 1995a). Please note that, in accordance with the Transition Provisions, Continuation of Existing Measures, of the NPPC's 2000 Fish and Wildlife Program, Measure 10.4A.5 of the 1995 Program continues to have force and effect (NPPC 2000).

The strategy to evaluate and, if feasible, implement a put and take sturgeon fishery in Hells Canyon and Oxbow Reservoirs was introduced in amendment application 95-2/0041 (NPPC 1995b). The issue of funding responsibility was initially addressed in this amendment application. Because several standardized questions in the amendment application process addressed this issue, these questions and Nez Perce Tribe answers are reproduced below:

Hydroelectric effects: Does the proposed amendment address the effect of a hydroelectric project on the hydroelectric system in the Columbia River Basin on fish, wildlife, spawning grounds or habitat?

Answer:

Yes. Development of the Columbia River Basin hydroelectric system has created impoundments throughout the basin, severely restricting movements of white sturgeon, impacting food resources, and degrading sturgeon spawning and rearing habitat. As a result, white sturgeon production is severely depressed and populations may face extinction in some Upper Columbia River segments. Consumptive fishing opportunities in the Nez Perce 1855 Treaty Area are virtually non-existent.

The proposed amendment addresses means to reestablish subsistence sturgeon fishing within the 1855 Treaty Area while conserving remnant wild populations.

Implementing and funding agencies: Which federal hydropower operator or regulator (Bonneville power Administration, Federal Energy Regulatory Commission, Bureau of

Reclamation, or Army Corps of Engineers) should be involved in implementing the proposed measure? Why?

Answer:

BPA. Development of the Columbia River Basin hydroelectric system has had a profound influence on the decline of white sturgeon populations.

Opportunities to reestablish consumptive fisheries in upper Columbia segments are rare. Those opportunities should be thoroughly explored and implemented to mitigate for subsistence fishing opportunities foregone due to development of the Federal hydrosystem.

Which entity should bear the costs of the proposed amendment?

Answer:

BPA. Due to the pervasive impact of the Federal hydroelectric system on Columbia River white sturgeon, and the limited opportunities to reestablish consumptive sturgeon fisheries in the upper Columbia Basin segments, aggressive mitigation efforts via BPA funding are warranted and essential.

Would the proposed amendment require action by the Federal Energy Regulatory Commission prior to implementation? If not, why not?

Answer:

No. The proposed amendment addresses losses attributable to the Federal hydrosystem. Appropriate avenues under the Federal Power Act are available to address responsibilities associated with privately operated facilities licensed by the Federal government.

ISRP Comment No. 2

How is this plan related to and how could it be integrated with the white sturgeon component of the forthcoming Idaho Power FERC relicensing Conservation Plan?

Response to Comment No. 2

While BPA has the funding responsibility to implement the proposal, it is nevertheless important that currently proposed and future activities be coordinated with the white sturgeon conservation plan being developed by Idaho Power (IPC) as part of their FERC relicensing package for the Hells Canyon Complex. The conservation plan is still being developed, with a draft plan scheduled for completion by the end of 2002. The Nez Perce Tribe has been, and continues to be participating in IPC's efforts towards the development of white sturgeon conservation plan through IPC's Aquatic Work Group (AWG) and IPC's White Sturgeon Technical Advisory Committee (TAC). The Nez Perce Tribe will use this opportunity to assure coordination of Proposal 32003 with initiatives associated with relicensing.

During the relicensing process, the conservation plan is expected to undergo several rounds of comment-response periods, with associated revisions. Implementation of a final conservation plan will occur after FERC issues a license for the Hells Canyon Complex. The process to adopt a final white sturgeon conservation plan will likely span 5-10 years. A summary of the process is briefly summarized below.

A. Draft white sturgeon conservation plan developed by the White Sturgeon Technical Advisory Committee (TAC).

The TAC is composed of multiple management entities, including the Nez Perce Tribe, and is responsible for aiding IPC biologists in identifying issues and developing potential protection, mitigation, and enhancement (PM&E) measures for the white sturgeon conservation plan. This conservation plan encompasses the entire Snake River up to Shoshone Falls, and is to be submitted to FERC as part of IPC's relicensing package for the Hells Canyon Complex. The current Hells Canyon Complex FERC license expires July 2005. To date, potential PM&E measures suggested by the TAC are reach specific, addressing issues such as water flow, water quality, population fragmentation, and supplementation. A final draft of the white sturgeon conservation plan developed by the TAC is scheduled for completion by the end of 2002. This plan will include reach specific limiting factors and will recommended PM&E measures to be prioritized by the TAC.

B. IPC internal review of the draft white sturgeon conservation plan.

During the internal review, the TAC's recommended PM&E measures may be revised and reprioritized by IPC, or new PM&E measures may be developed that better meet the needs and constraints of IPC's relicensing package. The IPC internal review will develop a final list of PM&E measures to be submitted (mid 2003) as part of their FERC relicensing package.

C. Draft EIS development.

After the initial filing, there will likely be a number of Additional Information Requests and several rounds of comment-response periods before FERC develops a draft EIS for the Hells Canyon Complex relicensing.

D. Relicensing deliberations.

The initial steps (A-C) described above will likely take several years to complete. Several more years will likely transpire before a FERC decision on Hells Canyon Complex relicensing is actually rendered and implementation of PM&E measures initiated. In the interim, the Nez Perce Tribe will continue to work closely with IPC in their white sturgeon conservation planning efforts to insure projects and initiatives are compatible and complementary.

References

Northwest Power Planning Council. 1995a. 1995 Amendments to the Columbia River Fish and Wildlife Program. Document 95-20.

Northwest Power Planning Council. 1995b. Recommendations to Amend the Resident Fish and Wildlife Sections of the Columbia River Basin Fish and Wildlife Program. Part 2. Document 95-1. Portland, OR.

Northwest Power Planning Council. 2000. Fish and Wildlife Program. Document 2000-19. Portland, OR.