

**Subbasin Planning  
Regional Coordination Group  
January 11, 2005**

The Subbasin Planning Regional Coordination Group (RCG) met January 11 at the Northwest Power and Conservation Council (NPCC) central office. Judi Danielson (NPCC chair) presided. About 25 people attended.

**Agenda Item 1: Subbasin Plan Adoption Schedule**

Lynn Palensky (NPCC staff) gave an update on the schedule for adopting subbasin plans into the Council's fish and wildlife (F&W) program. The "green" plans were the 29 submissions that were deemed adoptable "out of the chute," she explained. They were the first group released for comment as drafts, and 23 of the plans were adopted by the Council in December, according to Palensky.

Six of the 29 plans were put on the "blue" track, she said. These plans, prepared by the Lower Columbia Fish Recovery Board (LCFRB), were revised substantially after the May 28 deadline and were presented December 15 to NOAA Fisheries by the state of Washington as recovery plans, Palensky said.

The blue plans, including the six prepared by LCFRB, are now out for comment, and we have set up a series of public meetings on them, she said. The Boise meeting has already taken place, Palensky added. The comment period on the blue plans closes January 31, and we anticipate they will be adopted at the February Council meeting, she said.

There are five plans on the "red" track, Palensky continued: three Upper Snake plans, the Grande Ronde, and John Day. We had contracts through December 31 for revisions to these plans, and the Upper Snake plans and the Grande Ronde have been resubmitted, she reported. Work continues on the John Day, with the Oregon Watershed Enhancement Board (OWEB) providing funds, Palensky said. That plan is on its own schedule, and we expect it will be resubmitted in March, she said. We anticipate adoption of the red plans in April or May, but we aren't sure about the John Day, Palensky stated.

John Ogan (NPCC staff) reported on the "process issues." When comments on the first group of plans came in, people raised a number of broader issues, such as the rollup to a provincial plan and how that would be accomplished, he said. We have gotten additional comments on these issues and are continuing to work with others to resolve them, Ogan reported. We will keep the Council and the Regional Coordinating Group (RCG) advised on our progress, he said.

I would like to know more about the problems with the Grande Ronde and John Day plans, Rob Walton (NOAA Fisheries) said. Given the Independent Scientific Review Panel (ISRP) review and public comments on those two subbasins, we came up with some specific tasks to correct the plans, Ogan responded. We have the Grande Ronde back, but have not completed a review of it, he said. We can get back to you when the

staff has reviewed the plan and give you our judgment on the adequacy of the response to the tasks, Ogan added.

I'd like to have a meeting this month on the John Day, Walton stated. We have a serious interest in that plan because of the Mid-Columbia steelhead ESU, he said.

The John Day plan is partially complete, Ogan said. We took it as far as we could with the Council funding, and OWEB funds are paying to finish it, he said. The John Day got a late start, and the planners asked for an extension of the deadline, Ogan recounted. We are pleased with how it is going and think we will have a good product, he said. Staff noted that there is a January 21 meeting on the John Day plan in Spray, Oregon.

Mark Bagdovitz (USFWS) asked if the Council had extended the deadline for comments on the process issues. Yes, Ogan replied. He suggested if anyone is going to submit additional written comments that they talk to staff first. We are continuing to work on solutions for these issues, and we should get you up to speed on what is happening so any new comments aren't out of date, Ogan explained.

## **Agenda Item 2: Subbasin Plan Implementation**

Doug Marker (NPCC staff) recounted that at the last RCG meeting, staff described its work on a proposal for implementing subbasin plans and for project selection. He said there was general agreement on using the provincial review format and for beginning the new selection process for fiscal year (FY) 2007 projects. We want to talk further with the RCG about the structure for project selection before we take a proposal to the Council, Marker said.

Patty O'Toole (NPCC staff) recapped the November 2004 RCG implementation discussion and said the Council received written comments on the process issues that were consistent with what the RCG had to say. Rod Sando, executive director of the Columbia Basin Fish and Wildlife Authority (CBFWA), said CBFWA sent a comment letter to the Council in December that recommended an approach to implementing the plans. It's important to develop a good decision framework for implementation, he said.

Tom Iverson (CBFWA) described a "nested decision framework" developed by a CBFWA work group for allocating and prioritizing activities and funds for the Council's F&W program. The bottom line is that the subbasin plans were bottom-up planning, but now we need a top-down path for rollup and for how to use the pieces in the subbasin plans for decision-making, he said. We are calling for a regional exercise to develop an overall plan for what we want to accomplish, Iverson stated.

He explained the CBFWA proposal, describing the first step as dividing the effort into manageable categories and then building a decision framework within each category. Iverson noted that each category or compartment would be different and an approach tailored to each would work best. The program could "get simple fast" if it is divided into compartments, he said. First, the region would decide what it wants to accomplish in

each category and then set priorities and project selection activities, Iverson explained. CBFWA recommends the following for each category, he said: description of the category, clearly stated objectives, proposed measures to meet the objectives, a project selection process with stated criteria for evaluating submittals, and a monitoring and evaluation strategy for evaluating accomplishments. Iverson suggested holding a regional workshop for pulling the framework together.

CBFWA members are eager to participate, he stated. The message is, let's do some top-down thinking before we do the rollup – define the process first and then decide what information we need, Iverson wrapped up.

Have you thought about how this proposal links up with recovery planning? Lorri Bodi (BPA) asked. Most of the members consider recovery planning a subcomponent of this approach, Iverson responded.

NOAA Fisheries is a member of CBFWA, and we support the approach, Walton stated. He asked about the treatment of provinces and ESUs. The geographic distribution of resources is part of the approach, Iverson replied. He said more discussion and thinking needs to go into the details.

Tony Grover (NPCC Washington) pointed out that NOAA and USFWS will need to say whether the rolled up plans are enough. This approach gets us in that direction, he said, noting that in addition to the Council's F&W program, there may be things that need to be done to satisfy the ESA.

Why would rollup wait while we do the allocation process? Marker asked. I'm not saying we would hold up on rollup, but let's define what it is before we do it, Iverson responded. He noted that the subbasin plans focused so much on assessments, there wasn't as much time spent on action plans. We need to think about how this will be used; rather than rollup all the information, rollup what we need to meet the goal, Iverson suggested. A very important consideration, for example, is how the mainstream and systemwide actions fit with the subbasins, he said. We need to think about how they fit and come up with a holistic program, Iverson said.

Elizabeth Gaar (NOAA Fisheries) said NOAA hoped one of the products of subbasin planning would be a sense of priorities. A lot of subbasins were reluctant to set priorities, and it's important to have them before we embark, she said.

Why would the fish managers be so concerned about allocation? Danielson asked. Focusing on allocation would slow down the process, and the decision on allocation "remains in the hands of the Council," she said.

Iverson said in the past, F&W managers spent many hours on proposals that were never funded. With allocation established, you know up front where to aim, he said. Rollup won't give you information on allocation – it's an administrative decision to be made up front, Iverson stated. It's important that it be done up front, he added.

I agree, but that's in the hands of the Council, Danielson stated.

There is no intent by CBFWA to negate the role of the Council, Sando stated. In fact, we are trying to push you into the role, he said. The program is allocated now, but it wasn't done deliberately – this is an opportunity to look at the structure and decide if we need to reinvent it, Sando said. There are new issues to consider, like the new Biological Opinion (BiOp), he added. We'd like to have a workshop to discuss these things and then see how the Council wants to split the program, Sando explained.

Ogan said he thought rollup would help answer the allocation questions. Only by aggregating the plans on a broader scale do you see things, like hatcheries and habitat, that drive the populations, he said. Ogan also noted that allocation occurs on various levels – subbasin, province, regional. Let's be sure we are all talking about the same thing, he advised. I'd like to see us find a way to meet the F&W program organization needs, but also continue with the rollup, at least in a technical sense, Ogan stated.

I agree with Tom that you need a consistent basis for organizing the program province to province; for example, in how you approach limiting factors, Bodi said. You need a consistent approach so that it all makes sense, she said. I want to weigh in in favor of knowing up front how you set priorities, Bodi said. Also, she said, there is a difference between rollup leading to a regional recovery plan or F&W program, and rollup as mitigation for the Federal Columbia River Power System (FCRPS). If you look at this from the FCRPS perspective, we have three things, Bodi pointed out: mainstem improvements, hatcheries, and habitat. We need to distinguish between a general subbasin rollup and a rollup for the FCRPS mitigation piece, she advised.

When we rolled up the Intermountain Province, we set priorities, Jim Caswell (Idaho Office of Species Conservation) said. There is a mechanism for making decisions in that province – we can set priorities and respond to needs, he said. I thought we already knew the region's priorities and strategies – I'm confused about this discussion, Caswell added.

The issue is allocation – what is available for each province, Sando replied. The question is how you peg the dollar amounts, and the subbasin plans won't inform us about that, he said. We need to consciously divide this up into logical pieces and allocate what each province gets, Sando stated.

We spent a lot of time drafting the subbasin plans, and in the Intermountain, we rolled them up into a coherent province plan and set priorities and budgets, Ronald Peters (Coeur d'Alene Tribe) stated. We separated out what was BPA's responsibility and what was not, he said. All we have to do is look at the information we have and get going, Peters said. Allocation is very important – “the table is set in some provinces,” and we just need to get going, he added.

The Intermountain may be ahead of the others, but “I have two boxes of comments” that say we need to move to a province level rollup to get to allocation, Ogan stated.

You could use the Intermountain as a guide to rollup the other provinces, Peters suggested. He also pointed out that the 70-15-15 (anadromous fish-resident fish-wildlife) split used in the past “is a well-established concept” that a number of tribes endorse.

The blocked areas have more focus on issues, but in the anadromous areas, “there is a tug of war” between fish and wildlife, Grover said. In the Intermountain, you could pull together all of the parties, but that’s not the case elsewhere, he said. Since the blocked areas are ready to go, “it’s terrible to hold them up while others wrestle” with issues, Grover stated. Maybe the first thing to do is figure out how much to allocate to the Intermountain “while we stew on issues related to anadromous fish,” he suggested.

We have four states, four governors, four fish and wildlife agencies, and 13 tribes, and each has its own vision of how this should be done, Danielson commented. She noted that Council members have just heard their own governors give their state-of-the-state speeches and heard their priorities.

In December, we left the Council with a snapshot of the issues, and you’ve now heard CBFWA’s proposal, O’Toole said. We have another fiscal year to prepare for – 2006 – before we get to subbasin plan implementation, she pointed out. There are only nine months to prepare for 2006, and starting next week, we will be formulating a work plan, O’Toole said. We propose to use the adopted subbasin plans to look at the existing body of projects to see if they mesh, she explained: are the two consistent and do they relate in terms of priorities? We also want to look at the accomplishments in the last set of projects, O’Toole said: what have we accomplished and are we done? That exercise will get us part way to a budget for the next FY, she stated.

In a year, we need to be ready for the next provincial reviews and know how the solicitations will work, O’Toole continued. There are a lot of steps needed to get us ready for FY 07, she said, including decisions about prioritization and how to get from the subbasin plans to project selection. Having CBFWA’s decision framework piece is helpful, and we will continue to work on it, O’Toole summed up.

In what way will there be local involvement in setting priorities in the subbasins and provinces? Dave Johnson (Nez Perce Tribe) asked. That’s what we’re after, Marker responded. We are looking at how the managers and co-managers can help set priorities, focus and guide project solicitation, he said. We also need to work out how to make recommendations to the Council – find the right mechanism to do that, Marker said. We are looking at what would work in each province, he added.

I see the process in terms of three components, Caswell said: the decision framework is Council work. The Council can get input in whatever way it wants, but the framework sets the stage, he said. Once that’s done, there is the allocation, which is also a Council piece, Caswell continued. We then produce the projects – we’ll get rid of the redundancy and overlap and have a coordinated set of priorities to bring to the Council, he stated.

In the past provincial reviews, we had criteria to follow, Bodi said. We need to identify what the objectives are for a province, and we shouldn't have provinces taking approaches that are too disparate from one another, she added.

The provinces and subbasins vary in terms of how mature the work is, so you can't have a blanket approach, Peters said. The subbasins set their priorities, and then we move to the provincial level, which is a good way to go since people are familiar with it and it worked well in the past, he said. My advice is to stay with the existing geographic system as a place to start, Peters said.

Grover said in Washington, the previous provincial review process seemed to work well in some places, but not in others. We're envisioning that regional boards will play a significant role in preparing projects for the next selection process, he said. Some boards are not well integrated with co-managers, Grover acknowledged. We'll look to a regional board where we can, and when there isn't a board, we'll look to the co-managers, he said. You will get a variety of responses, Grover predicted. We would like criteria from the Council, but you will get proposals based on both the provincial and subbasin priorities, he said.

I have concerns about how the Upper Snake will fit into this, a member of the Shoshone Bannock tribe said. There are still a lot of folks who have not bought into this process – we're still building a group effort, he said.

There are those who never favored subbasin plans and will not be pleased no matter what we do, Danielson commented.

Johnson pointed out that the tribes have rights and a role in directing BPA funds, but some people don't understand that and are wary of the tribes having "too much control." It's something we have to face and be vigilant about, he said.

We have been encouraging Washington's regional recovery boards to use the lists in their recovery plans to come up with projects, Chris Drivdahl (Washington Governor's Salmon Recovery Office) reported. Any time an area wants to propose a project, it needs to go back to the recovery plan and use it as a foundation for project selection, she stated.

With regard to the approach in Oregon, the state divides into several areas, Karl Weist (NPCC staff) said: the Lower Columbia and estuary are driven by the BiOp; the Willamette "is treated like a blocked area" and is focused on wildlife mitigation; the major issue upriver is how to allocate in the Columbia Basin; and the Blue Mountain is its own area. Blue Mountain could be handled through a state organization, but the Grande Ronde has a large habitat/hatchery program, he noted. Above Hells Canyon, there is a question of whether you even fund any projects, Weist said. I'm not sure how it will shake out, he acknowledged.

It's obvious the provinces are in different spots, Bob Lane (MT Fish, Wildlife & Parks),

stated. In the Intermountain, we don't want to wait to get started, but the more we talk about it, the more I see where we could have an umbrella for all provinces, he said. My advice to the Council is to make the process as simple as possible to maintain flexibility, Lane recommended.

We are still taking comments on the process issues, and any further advice is helpful, Marker said. We will be briefing the Council and the F&W committee next week, he said. This discussion on framing the process is helpful, and we will come out with a proposal for the FY 07 cycle, Marker said.

### **Agenda Item 3: Recovery Planning**

Walton updated the RCG on NOAA Fisheries' salmon and steelhead recovery planning. For openers, he said there is increasing scrutiny of salmon-recovery budgets and some sense of "salmon funding fatigue." Walton noted that the country is operating in "a war-time economy," and NOAA is fielding an increasing number of calls from Congress, OMB, and other sources, asking for explanations of our budgets, priorities, implementation, and accomplishments. The Pacific Coast salmon recovery monies have exceeded the half-billion mark, and "the scrutiny is on," he stated. If we can't justify our expenditures, the money may decrease, Walton added.

He went on to describe key terms under the ESA and explain a diagram of the relationship between recovery and delisting. Walton listed the elements in the recovery process as viability, recovery, and delisting. Population viability is "a pure science determination" that is being addressed by the Technical Recovery Teams (TRT) in each of six geographic domains, Walton explained. Local recovery boards are working with the TRTs to establish a recovery goal, he said. As for delisting criteria, they entail both biological factors and how to address threats to the ESU, Walton said. The Administrator of NOAA Fisheries has the sole responsibility for making the call on delisting, he added.

There was discussion about the distinction between recovery and delisting, and Bagdovitz said he thought the terms reflected "a distinction without a difference." Walton agreed, saying the definition of recovery suggests delisting and recovery are one and the same.

Do you have guidance on establishing the delisting criteria? Sando asked. We have federal guidance, but the law specifies only "objective measurable criteria," which once they are met, mean delisting, Walton responded.

NOAA Fisheries' recovery domains line up well with the Council's ecological provinces, he continued: Puget Sound, Lower Columbia/Willamette, Oregon Coast, Upper Columbia, Mid-Columbia, and Snake. There is a policy forum in each, Walton said.

We intend to have a recovery plan for each domain by December 31, he stated. The plan is a roadmap to recovery – it is a guidance document, not a regulatory document, which factors in federal Trust and treaty responsibilities, Walton said.

He stated the definition of recovery as, “the process by which listed species and their ecosystems are restored and their future secured to the point that protection under the ESA is no longer needed.” The ESA requires NOAA Fisheries to develop and implement plans for the recovery of listed species, Walton said. NOAA Fisheries’ policy is to use locally developed plans for ESA recovery where possible – the point of including local plans is to get buy-in so that a completed recovery plan will actually work, he said.

Walton outlined federal agencies’ responsibilities under the ESA and described what a recovery plan must include: site specific actions, objective measurable criteria, and estimates of the time required and implementation costs.

If the recovery plan is only for guidance, why is it so specific? Caswell asked. While the recovery plans may not be enforceable in the courts, they are guidance that offer those who cooperate the opportunity to get out from under red tape, Walton said. The Federal Energy Regulatory Commission (FERC) also takes recovery plans very seriously in relicensing proceedings, he said. The purpose of the recovery plan is also to help address unauthorized take of a listed species, Walton said.

If you have met the recovery plan, it is a justification that you’ve met the delisting criteria, Lane added. And listing and delisting under the ESA are legally enforceable, Gaar pointed out. Bagdovitz added that another issue in enforcement is the difficulty in determining whom a recovery plan is enforceable on.

Walton described a list of components in a recovery plan and the steps to completing a plan. When NOAA Fisheries sets out to complete the plans, he said, we will incorporate existing agreements. A number of agreements and processes need to be part of the rollout to a recovery plan, Walton indicated. In addition to NOAA’s statutory obligations, this includes Trust and treaty rights, state processes, subbasin planning, tribal plans, Habitat Conservation Plans, BiOps, FERC licenses, and U.S. v Oregon, he explained. If we are going to proceed successfully, we need to integrate other processes, Walton stated. He wrapped up with a list of substantive issues that need to be considered. This list isn’t new to you, he concluded.

Danielson noted that there is funding fatigue, but the region still does not have recovery plans. Also with funding, I worry that O&M takes over the budgets, she said. I get concerned that we are not progressing with the program because of that, Danielson commented. That’s a good point, Walton replied. For example, with all of the money that is going to RM&E, we still don’t know if it is going to the right places, he said. We have had “a microscope” on mainstem survival for so long, but we don’t know much about the effects of habitat projects on survival, Walton said. He pointed out the need for the Council’s F&W program and NOAA Fisheries’ recovery plans to be as consistent and as efficient as possible.

## **Wrap Up**

We will use the discussion this morning to frame a process for the provincial reviews, Marker said. We will continue to address rollup and look at what is required for project selection in FY 07, he said. We'll also try to arrive at a clear proposal for an approach to allocation, Marker said. For recovery planning, we will continue to work informally with NOAA Fisheries, he continued, adding that NOAA will need to work directly with the subbasins on some issues.

The discussion this morning was helpful and we appreciate CBFWA's proposal, Danielson said.

Let me know if you think the RCG needs to meet again, but for now, we have a lot to do with today's input, Marker stated. The meeting adjourned at 2:30 p.m.

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