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**Purpose and construction of this “rolling” briefing document**

This document is intended to serve two purposes. First, it is used to provide the Council and the public notice of the issues that attend the proposals for funding in the Blue Mountain and Mountain Snake Provinces. Whenever possible, the memo seeks to present a consensus central and state staff recommendation to the Council for each issue. The memo presents both general issues that apply throughout the province (budgets, BiOp implementation, etc), and issues that relate to specific proposals. The second purpose of the document is to record the rationale for the funding recommendations that the Council will make to Bonneville in such a way that it can help satisfy the requirements of section 4(h)(10)(D) of the Northwest Power Act.

**Fiscal Year 2002 Programmatic Issues for the Mountain Snake and Blue Mountain Provinces**

**Issue 1:** Assumption of base budget for Council project funding recommendations.

*This issue explains how the Council is using the \$186 million dollar average Bonneville has committed to as a planning target for developing project recommendations budgets. CBFWA’s programmatic recommendations about project funding are outlined. The Council recommendation is the same as in the previous Columbia Plateau: use \$186 million as the planning target; province allocations are established using that figure; the general rule of holding ongoing projects to their FY 01 level plus 3.4% is outlined; and the addition of new projects at this time should emphasize ESA needs that integrate with local management priorities. The total province budgets are approximately \$12.4 million for the Blue Mountain and \$25.2 for the Mountain Snake. This material is the same, or nearly so, as that it reviewed in the Columbia Plateau programmatic issues.*

Bonneville’s assumptions for its revenue requirements in Fiscal Years 2002 through 2006 include an average funding target for its directly funded fish and wildlife projects of \$186 million, compared to the average of \$127 million in 1996 through 2001.

Throughout the provincial reviews that had been completed through the Spring of 2001, the Council and its staff had been treating all projects rated as fundable by the Independent Scientific Review Panel (ISRP) and also rated by the Columbia Fish and Wildlife Authority as "High Priority" as the "base" set of projects that would be considered by the Council for recommendation to Bonneville. However, as the provincial review for the Mountain Columbia province progressed, the staff became concerned that the number of projects that were meeting its definition of the "base" may exhaust the funding that Bonneville had suggested that it would make available for Fiscal Year 2002.

At the Fish and Wildlife Committee meeting in Spokane on May 11, 2001 (the Council was considering the Mountain Columbia province at that time), the staff asked the Committee for guidance in defining the "base project list" for the provincial review. The staff presented an alternative for conducting the initial round of provincial review funding decisions by defining three distinct "tiers" of project budgets that received funding recommendations from both CBFWA and the ISRP. The staff proposal would have distinguished new projects from ongoing projects and initially assumed deferral of new projects until the completion of all provincial reviews in 2002.

The Fish and Wildlife Committee chose not to adopt the staff tiering proposal, and maintained the approach that established a base-funding package composed of the projects that received "fundable" recommendations from the ISRP and were also designated "high priority" by CBFWA. Part of the reasoning of the Committee members was that Bonneville's public commitment at the outset of the provincial review process was to fund a final "unified" plan representing agreed-to priorities, including implementation of the Biological Opinion for the federal hydropower system. The Committee believed that the Council's existing approach to defining its base set of recommendations met those objectives. Further, while Bonneville had been suggesting that its budget targets expressed in its rate case (average of \$186 million) was a guideline, it had not yet formally declared this to be a hard budget limit. The Council completed the Mountain Columbia province using the "fundable/high-priority" group of projects as its base set of recommendations.

The Columbia Plateau province followed in the provincial review sequence. In that province, the Council was presented with \$64.6 million in projects that met the "fundable/high-priority" definition of the base package. At its August meeting in Portland, the Council staff advised the Council that if the full \$64.6 million consensus priority project package for the Columbia Plateau were funded, that package along with placeholders needed for subbasin planning and Bonneville program administration would exhaust the funds apparently available for Fiscal Year 2002. The presentation by CBFWA at the August meeting made clear that the managers did not believe that Bonneville or the Council had officially established \$186 million or any other definitive Fiscal Year 2002 budget for it to apply to its Columbia Plateau recommendations. Nonetheless, in light of comments from Bonneville representatives regarding the Fiscal Year 2002 budget, the Council stated at its August meeting that it did want its staff to treat the \$186 million figure as the Fiscal Year 2002 planning figure, and sought a recommendation on how to proceed with the proposed consensus priority package.

CBFWA reminded the Council that when it originally submitted its Columbia Plateau recommendations on August 3, 2001, Chairman Rod Sando's cover letter asked that if the Fiscal Year 2002 budget could not accommodate the proposed package, that CBFWA be given an opportunity to review and possibly modify its recommendations. Chairman Sando's August 3, 2001 letter stated:

If there is insufficient funding to fully support the CBFWA recommendation during Fiscal Year 2002-2004, we request the opportunity to modify our recommendation once a specific budget is identified for each province.

The Council delayed further action on the Columbia Plateau to allow CBFWA to review its funding recommendation in light of the clarification from the Council that it believed that the \$186 million figure announced by Bonneville should be used to plan Fiscal Year 2002 spending.

CBFWA then responded by a September 26, 2001 letter to Chairman Cassidy advising us that CBFWA was unable to do a project-by-project budget review. CBFWA questioned whether or not the \$186 million figure announced by Bonneville is the appropriate planning target. First, CBFWA noted that this figure was derived from a rate case that was not completed, and expressed frustration that there seemed to have been a Bonneville's policy shift on funding. CBFWA noted that for some time the Bonneville fish and wildlife funding principles stated that it would fund all of its fish and wildlife obligations if captured in a "unified plan" and that it changed that position to the establishment of a \$186 million "cap" for the current rate period. CBFWA believed that this figure was "arbitrary," and took the position that the region must first complete a province review cycle to identify fish and wildlife needs before establishing a final budget. Finally, CBFWA expressed disappointment that the Council had seemingly accepted the \$186 million figure as the final word on the Fiscal Year 2002 (and beyond) budget.

As a consequence of uncertainty on both available Bonneville budget and basinwide fish and wildlife needs, CBFWA recommended that no new projects be funded in the Columbia Plateau (and other provinces yet to be reviewed), and that existing projects be held to no more than a 3.4 percent increase until:

1. A regional resolution of the available Bonneville budget for Fiscal Year 2002 and beyond is achieved, and;
2. Completion of the first round of provincial reviews establishes the fish and wildlife needs for Fiscal Years 2002 through 2005.

CBFWA noted that this might pose an equity problem, as the Council had approved new projects in the first three provinces. CBFWA proposed, and subsequently completed a review of the projects already approved for the Columbia Gorge, Inter-Mountain, and Mountain Snake province to determine if there were projects or project elements that can be deferred beyond Fiscal Year 2002, and if there are opportunities for cost savings, or other actions that would produce savings.

Finally, CBFWA proposed that exceptions to its recommended "freeze" on new projects could be made on a case-by-case basis where new projects demonstrate that they address ESA or other high priority needs. If such exceptions were to be made, CBFWA asked that the Council and Bonneville document its rationale for making exceptions and providing the reasons for such decisions to CBFWA. CBFWA noted that the new project freeze might leave funds currently available for Fiscal Year 2002 uncommitted. It requested that those funds be carried forward to future years to meet needs identified in the completed province review cycle.

**Council recommendations regarding budget planning made in its Columbia Plateau decision that apply to the remaining provinces:**

**Part 1** --The Council agreed to facilitate a regional discussion about the appropriate Bonneville funding commitment for Fiscal Year 2002 and beyond. The Council has conducted one such roundtable discussion. Representatives from Bonneville, industry and utilities, and the fish and wildlife managers participated. While that discussion made evident that there is not agreement among those parties on the appropriate Bonneville funding level for Fiscal Year 2002, the Council decided that, for now, the \$186 million suggested by Bonneville should be used as a planning target. The Council noted that this may need to be reviewed when the first complete cycle of the provincial review process concludes in 2002.

**Part 2** -- Further, the Council concurred with the CBFWA proposal that it should take a deliberative approach on starting new projects pending the completion of the first round of provincial reviews (which will be finished in the Spring of 2002). Further, the Council agreed with CBFWA that ongoing projects that continue to meet scientific standards would be held to their Fiscal Year 2001 budget levels with provision for a 3.4 percent inflation factor increase. The Council also agreed that some high priority and ESA projects should be initiated in the remaining provinces in the current review cycle.

**Part 3** -- Finally, the Council proposed that the exceptions to the general new project "freeze" to implement new high priority and ESA projects must allow for new work not only in the Columbia Plateau Province, but in those provinces yet to be reviewed in an equitable manner. In order to provide for an equitable allocation of available Fiscal Year 2002 funds, the Council proposed that the Council's Fiscal Year 2001 funding recommendations for each of these provinces serve as a "base" (with deductions for one-time or short-term capital items that in Fiscal Year 2001 that inflate the "base"). Next, the pro rata portion of the overall Fiscal Year 2001 funding that the "base" figure for each province represents was determined, and that same pro rata share of remaining Fiscal Year 2002 funds was allocated to the province.

**Based on this pro rata allocation, there would be the potential to fund approximately \$6.37 million in new work in the Mountain Snake and \$3.14 in the Blue Mountain provinces in Fiscal Year 2002 and similar levels in Fiscal Years 2003 and 2004.** Note that this "new work" may come in the form of either new projects or expanded ongoing projects that meet the criteria discussed below. The total allocations for the provinces are \$12.4 million for the Blue Mountain and \$ 25.2 million for the Mountain Snake.

**Issue 2:** Proposed criteria for funding Blue Mountain and Mountain Snake projects and projects in the remaining provinces

*This issue explains the considerations or criteria that the Council used in the Columbia Plateau province to guide the prioritization of project to fit within province allocations. Those same considerations are being used in the Blue Mountain and Mountain Snake provinces.*

The Council has adopted the following criteria to establish budgets for the remaining provinces. Each of these criteria should be treated as a consideration. No single consideration is intended to be singly dispositive as to whether or not a proposal would be recommended for funding. That is, a decision to use the criteria would not mean that any and all projects that meet one or more of the criteria would be automatically supported for funding, but rather, that the criteria would be taken into account and inform the Council's recommendations. In all cases, the Council would continue to consider the ISRP recommendations and CBFWA comments.

The seven criteria fully described in previous versions of the Columbia Plateau decision memos are attached as Appendix A. The reader should reference that appendix for the full explanation. In summary, the criteria are:

1. As a matter of first priority, maintain adequate funding for the operation, maintenance, monitoring and evaluation of **ongoing projects**;
2. As a second-level priority, provide funding to multi-step or phased **ongoing projects** that are prepared to take the next anticipated and logical step in their development (examples are projects in the three-step review process);
3. As a second-level priority (co-equal with 2 above), provide funds to **new and ongoing projects** that protect currently productive, high quality habitat, and/or provide connections to historic habitat;
4. Also as a second-level priority (co-equal with 2 and 3 above) provide funds to those **new and ongoing** projects that can be shown to respond to Reasonable and Prudent Alternative action items in the 2000 Biological Opinion on Hydrosystem Operations for which Bonneville has been assigned responsibility;
5. As a second-level priority (co-equal with 2, 3 and 4 above) where there are new projects that have been developed and coordinated with a broad coalition of local interests including, for example, local governments, tribes, state agencies, agriculture interests and others, and there is consensus support, fund the projects;
6. As a third-level priority, provide funding for proposed **new** projects that present an opportunity to protect, mitigate or enhance fish and wildlife that will be lost if delayed until after subbasin plans are completed (next 1-4 years);
7. Finally, the Council likely will not support funding **new or expanded** research initiatives.

The Council's use of the above criteria in the Columbia Plateau demonstrated that particular attention should be focused on two of the considerations. The first is that ESA-related new work would be a priority, and the second is that priority also would be given to proposals that represent consensus priorities of local, state and tribal resource managers (considerations 4 and 5 above).

Following the pattern established in the Columbia Plateau, the Oregon Council members and the Idaho Office of Species Conservation along with the Idaho Council members are facilitating discussions to develop priorities in the Blue Mountain and Mountain Snake to evaluate the above considerations, and to develop a package of proposals that fits within the budget targets for each province. Issue 3 below describes the steps that precede this province based final prioritization more specifically, as well as the steps that precede and follow that work.

**Issue 3A:** Current model and process for developing province based budgets and priorities.

***This issue explains the current approach that has evolved for developing project recommendations. It started in the Columbia Plateau, and had been refined and built upon in the Blue Mountain and Mountain Snake provinces.***

A modified way of developing province based budgets and priorities was initiated the Columbia Plateau, and has continued to evolve and be refined in the Mountain Snake and Blue Mountain provinces. This modified approach contains the following steps:

Province budget allocation: Each of the remaining provinces has been allocated a pro rata share of the total \$186 million that Bonneville states will be made available for Fiscal Year 2002. The pro rata share was based on each province's Fiscal Year 2001 start of year budgets. Those province allocations were determined after deducting the amount that had been recommended in the Columbia Gorge, Inter-Mountain, and Mountain Columbia provinces, and deducting specific placeholders for subbasin planning (\$15 million), independent science groups (\$1.2 million), the Artificial Production Advisory Committee (\$1 million), BPA fish and wildlife division support (\$8 million), and the Innovative projects solicitation (\$2 million).

Project solicitation: Bonneville solicited project proposals for the province. The solicitation emphasized specific ESA needs that Bonneville seeks to meet by identifying Biological Opinion Reasonable and Prudent Alternative "action items" by number, and also with reference to its implementation plans. The solicitation referenced the need to be consistent with the fish and wildlife program. The idea is that those developing proposals will have some guidance regarding what work, especially ESA work is needed within the province. The solicitation was broad based in that it invited proposals from any entity that could perform the work.

CBFWA review and recommendations: The fish and wildlife managers, through CBFWA, reviewed each of the proposals. That review sought to evaluate projects for management priority and technical considerations. Each of the proposals was rated as "High Priority," "Recommended Action," or "Do Not Fund." Using the CBFWA process, the National Marine Fisheries Service and U.S Fish and Wildlife Service provided its first set of evaluations for the

applicability of each proposal to an ESA based action or measure. The CBFWA review did not attempt to limit its recommendations to fit within the province budget allocations determined by the Council. In the Columbia Plateau, Blue Mountain and Mountain Snake the proposed budgets for projects rated as "High Priority" exceeded the province allocations established by the Council.

ISRP review process: The ISRP reviewed each of the proposals submitted. The ISRP then conducted site visits to the proposal areas, and participated in proposal presentation sessions with the sponsors in a question and answer session. With that information, the ISRP provided a preliminary report in which it offered comments, and its preliminary evaluations for consistency with the statutory standards of the Act. Those meeting the standards in whole were rated "fundable", those partly meeting the standards were rated "fund in part" and those not meeting the standards were rated as "not fundable." The ISRP preliminary report was made widely available for public consideration and comment.

After the preliminary report, sponsors had the opportunity to respond in writing to the comments and ratings of the ISRP in what has come to be known as the "fix-it-loop." After reviewing that additional information, the ISRP issued its final report, and provided its final recommendations using the same rating categories as in the preliminary report. The final ISRP report was provided to the Council and made widely available to the region. Again, in the Columbia Plateau, Blue Mountain and Mountain Snake the budgets for projects rated as "fundable" or "fundable in part" exceeded the province allocations established by the Council.

Province based prioritization to fit province budgets: With the CBFWA and ISRP reviews and ratings in hand, Council members facilitated meetings and discussions with sponsors of projects in each province to establish proposal packages that fit within the province allocations. In the Mountain Snake province, the Idaho Office of Species Conservation took the lead in this effort in coordination with the Idaho Council office. The Council seeks the input of the fish and wildlife managers with responsibilities in the provinces, and they have participated fully in this step. Other proposal sponsors representing other state agencies or entities are also welcome and participating. This exercise works towards a package that fits within the province budget by evaluating proposals relative to the funding considerations adopted by the Council (see the seven considerations listed in Issue 2 above). Summed up, this is the step of the process where the fish and wildlife managers in the province, along with other entities, seek to prioritize the candidate proposals to develop a package that meets local priorities, addresses immediate ESA needs, and fits within the available budget.

At this point in the process, the sponsors had the benefit of a second evaluation of each proposal's applicability to ESA needs from NMFS. NMFS reviewed each project and indicated if the project directly corresponded to an RPA, if the project was generally consistent with the overall strategies of the BiOp off-site mitigation program, or if the project was considered part of the "base" of ongoing work that the off-site element of the BiOp seeks to augment. NMFS also provided summary comments for many of the projects.

At this step of the process, sponsors had been provided Bonneville's project specific comments. Bonneville used a four category rating system (A through D) and also offered

narrative comments for most proposals. (Bonneville's comments are discussed further below in Issue 3 regarding Biological Opinion implementation). The state Council offices and Idaho Office of Species Conservation and the proposal sponsors had approximately two weeks to review and consider the Bonneville comments prior to submitting proposed province packages to the Council for its initial review at the March Fish and Wildlife Committee meeting.

**Council Review and Recommendations:** The staff proposes to have the committee review the programmatic recommendations and the project specific recommendations for the Blue Mountain and Mountain Snake provinces at the March meeting. The goal is to have a final Council decision on which projects to recommend funding for at its April meeting in Boise. The Council will review the proposals to ensure that they are consistent with the Act, the adopted fish and wildlife program, and programmatic policy decisions that it has previously made. The Council has indicated that while it will not "rubber stamp" any suite of proposals advanced for a province, it will give packages substantial deference where they were developed with the input of the appropriate fish and wildlife managers along with the broader array of proposal sponsors and interested parties.

**Council recommendation:** The Council has reviewed the model described above, and endorses its continued use in the provinces yet to be reviewed unless and until Council approved modifications are made. If there are some elements of the process that the Council wishes to add, further refine, or eliminate, that it will specifically identify those and ask staff to review and report on the ability to make those modifications. For example, there is a document under review among the Council members (the "Kempton/Bloch" document) that could be reviewed by the staff and compared with the process described above. The staff could advise the Council of how or if the current version of the Kempton/Bloch document differs from the process currently being used for the provincial review.

**Issue 3B.** Biological Opinion Implementation (and comment from NMFS and Bonneville)

*This issue relates to integrating and delivering the projects that Bonneville needs to fund to meet its ESA obligations through the Council's provincial review process. The fact that the Council emphasizes the goal of meeting ESA needs in the provincial review is stated. A seven-step process that describes how the federal agencies, primarily NMFS and Bonneville can use the provincial review to define BiOp requirements is outlined. The comments provided by NMFS and Bonneville for the Blue Mountain and Mountain Snake provinces are discussed.*

The Council has emphasized integrating the 2000 Biological Opinion (hereinafter BiOp) with Fish and Wildlife Program implementation as one of its highest priorities. The BiOp contains "Action Items" that direct Bonneville, the Corps of Engineers, and the Bureau of Reclamation to contribute to various types of activities that can be characterized as tributary habitat actions, hatchery actions, harvest actions and monitoring and evaluation efforts. This work is often collectively referred to as the "off-site mitigation" element of the BiOp. The BiOp and All H Paper direct Bonneville and the other action agencies to seek to accomplish the off-site mitigation element of the BiOp. Section 9.3 of the BiOp recognizes that Bonneville has authority to implement programs that are outside of the scope of hydrosystem operations to

benefit listed stocks through the Northwest Power Act provisions that permit it to “protect, mitigate, and enhance” fish and wildlife affected by the hydrosystem. The BiOp recognizes that Bonneville does this work guided by the Council’s fish and wildlife program and its project selection process.

The Council has made BiOp/Fish and Wildlife Program integration one of its highest policy priorities. That is, the Council has urged the action agencies, and particularly Bonneville, to use the Council’s fish and wildlife program and project selection processes as the vehicle to meet its off-site obligations established in the BiOp. The Council has dedicated a substantial amount of time, and the time of its staff, to meeting with NMFS and the action agencies to urge them to use the provincial review to develop, encourage, and/or identify project proposals in the provincial reviews that meet BiOp Action Item needs. Using the provincial review process in this way allows Bonneville to develop unified action plans to meet all of its fish and wildlife obligations. The Council and its staff have repeatedly assured Bonneville that if for some reason the provincial reviews did not yield the projects that they require to meet the BiOp action items, that it would work with them to meet those needs in a timely way in some other process. However, before resorting to special “targeted solicitations” the Council wanted all parties to make a good-faith effort to use the provincial review process to implement the BiOp.

Integration of BiOp implementation into the provincial review should be very achievable. The off-site mitigation element of the BiOp is specific and limited. For example, for off-site habitat work above Bonneville Dam, there are only seven action items in the BiOp. Each of those action items is limited in terms of geography or project type. In the project solicitation letters that went out to begin the Columbia Plateau provincial review (and proceeding reviews as well) the Council and Bonneville worked together to encourage sponsors to develop project proposals that may respond to the BiOp action items. Project sponsors have attempted to note how their proposals meet those specific action items.

The Council envisions BiOp integration with the existing provincial review process to require the following general steps:

1. NMFS and the action agencies need to participate in the development of subbasin summaries at whatever level is necessary to ensure that those documents reflect BiOp needs.
2. NMFS and the action agencies should provide guidance in the solicitation that allows potential project sponsors to know what the BiOp calls for.
3. NMFS and the action agencies should encourage sponsors, in whatever way, to develop proposals that respond to the specific action items called for in the BiOp.
4. NMFS and the action agencies need to become sufficiently familiar with the proposed projects to understand which may relate to an action item called for in the BiOp.
5. After the final ISRP report is completed, NMFS should provide the Council written comment for the public record about which projects appear to respond to the BiOp action

items. This is more than a statement of “consistency or inconsistency” of a project or an entire CBFWA proposed package. The Council (and action agencies) needs to know which specific projects appear to relate to specific action items. (e.g., do land acquisition and protection proposals “X”, “Y”, and ”Z” in the John Day subbasin appear to respond to habitat Action Item 150). It would also be extremely helpful if NMFS could also indicate how some proposals that may not quite hit the mark might be modified to respond to a specific action item.

6. Taking into account NMFS’ comment, Bonneville should advise the Council in the public record that it would intend to deem the suite of proposed projects before the Council sufficient for its BiOp implementation needs in the province under review. The Council wants to avoid recommending projects that Bonneville would not fund, or to recommend a package short of what Bonneville believes is needed, to the extent consistent with the Council’s role under the Act.
7. On the basis of the ISRP reports and public record, the Council would make funding recommendations to Bonneville that meets its fish and wildlife program and BiOp obligations in an integrated package.

As suggested above, the NMFS did provide the Council with additional comment evaluating each project for Biological Opinion applicability. These comments arrived on February 2<sup>nd</sup>. The NMFS comments were provided significantly earlier than in the Columbia Plateau, and the sponsors have been able to take them into account as they go through the exercise in the two provinces to trim the list of candidate projects to meet the province budget allocations.

On February 11th Bonneville provided written comments to the Council on the proposals submitted for the Blue Mountain and Mountain Snake provinces. The Bonneville comments spoke to some general issues, but focused primarily on individual projects, particularly those intended to benefit anadromous fish and bull trout. Bonneville representatives presented these comments as “considerations” for the Council, and assured the Council that these were not final determinations on what it would or would not fund in the province. Bonneville stated that it intended to rely heavily on the ISRP and CBFWA reviews for scientific and technical feasibility, and focus on policy and financial issues. Further, Bonneville also emphasized its Endangered Species Act obligations in its project review, consistent with the Council’s request and process outline detailed above.

The Bonneville comments continued to use the four-category ranking system introduced in its Columbia Plateau comments, assigning proposals a rank A through D. Category A was assigned to *new* proposals that addressed a specific RPA action item in the NMFS or USFWS BiOp. Category A was also assigned to *ongoing* proposals that address a specific NMFS or USFWS BiOp measure, or where a non-ESA project continues to have clear objectives, and failure to continue funding it would jeopardize past regional investment.

Bonneville assigned other proposals to a category B or C, and suggested that they be considered only after a subbasin plan is complete. Reasons for the deferral were that the

proposal is believed to involve: a) significant unresolved policy issues; b) substantial costs; and/or c) complexities that should be addressed in a subbasin planning exercise or a regional research monitoring and evaluation plan.

The Council appreciates Bonneville's detailed comments. Again, our impression is that the timeliness and utility of the comments continue to improve. While we do not anticipate responding to each project level comment, where Bonneville's comments may have been particularly significant to the Council project level recommendation, we will try to note where and how. Where the Council recommends funding projects that Bonneville comments would not, or would leave out funding projects that the Bonneville comments support, explanations and rationale will be provided.

The Council also appreciates Bonneville's stated desire to rely upon previous reviews for scientific and technical issues. As noted in the Council's decisions for the Columbia Plateau, the Council believed that there were instances in which Bonneville's recommendation to defer a project to subbasin planning did not afford the deference to the ISRP review that may be appropriate. That is, Bonneville's ranking system would defer proposals that it believes involve "complexities" that would be resolved in subbasin planning. To the extent that these are project specific, technical or scientific complexities, the Council continues to believe that the ISRP and the province review process are better situated to assess those. That is, each proposal is reviewed by the ISRP, and a subbasin summary that the proposal is related to is available to the ISRP.

In order to find the proposal "fundable" the ISRP had to determine that the proposal: (1) was based on sound science principles, (2) benefited fish and wildlife, (3) had clearly identified objectives and outcomes, and (4) had provisions for monitoring and evaluation. Again, under the revamped provincial review, proposals were not reviewed in isolation, but in the context of subbasin summaries that included assessment information, identified existing management objectives, catalogued existing fish and wildlife activities, and documented the near-term fish and wildlife needs in light of all of the proceeding. Thus, the Council believes that a "fundable" rating from the ISRP is strong evidence that any complexities that may exist within a proposal as it related to the subbasin have been adequately addressed.

As in the Columbia Plateau province, Bonneville's ranking system and project specific comments in the Blue Mountain and Mountain Snake suggest that some projects should be deferred where significant unresolved policy issues exist. Three particular issues are significant in these provinces: (1) an emerging Bonneville policy position regarding its funding of activities on federally owned lands; (2) wildlife crediting; and (3) "in lieu" funding. In its Columbia Plateau decisions, the Council recognized that there likely are policy issues that need resolution, but that the nature and scope of those sorts of issues must be identified and publicly discussed if they are to bear on the Council's decision-making process. Therefore, in Issues 4 through 6 below, the staff makes the following comments and recommendations to the Council on the major policy issues identified by Bonneville.

**Council Recommendation:** In order to emphasize meeting ESA needs within the provincial review, the Council recommends that the Council recommend funding projects that are found to correspond to specific RPA action items, or projects that are found to be "consistent" with the

Biological Opinion. These should be integrated with existing non-ESA projects that continue to meet scientific standards and represent local priorities. The Council will continue to emphasize that consistency with action items and the Biological Opinion, and where they offer a more definite and tractable standard, the action agencies' One or Five-Year Implementation Plans. The Council has previously stated that it believes that the flexibility that exists in the BiOp that permits the current federal attempt to draft a more definite implementation plan should be used to allow local interests and resource managers to develop local priorities and proposals for meeting the BiOp off-site mitigation needs. That is, the Council should continue to strongly take the position that Bonneville seek to meet its BiOp needs through the provincial review process, and that the dual standards of BiOp "consistency" and local management priorities be the driving considerations behind its ESA off-site mitigation response. The Council has seen evidence in the action agency One-Year implementation plan that the provincial review is the cornerstone of BiOp implementation, and believes that this should continue.

**Issue 4.** Bonneville's emerging policy regarding funding projects on federally owned lands.

***This is an entirely new issue for the Council. It relates to a draft policy that Bonneville is reviewing that would limit its funding projects that are implemented on federally owned land. It appears that the policy under review would provide for Bonneville cost-share opportunities prior to subbasin planning, but Bonneville funding would likely be entirely removed after subbasin plans are adopted.***

On January 28, 2002 Bonneville provided a letter to all current and prospective project sponsors seeking additional information regarding projects funded by Bonneville that are implemented on federally owned land. The stated purpose was to determine if those projects "follow our policy of funding only those projects that are Bonneville's responsibility as outlined in the Basinwide Salmon Recovery Strategy (All-H Strategy) and consistent with the Northwest Power Act." The letter indicated that Bonneville was developing a policy where it may provide a cost-share for projects on federal land in the *interim* before subbasin plans are completed over the next few years. The letter further suggested that after subbasin plans are completed, Bonneville may no longer provide funding for projects on federal land.

Bonneville's letter created substantial confusion with project sponsors and Council staff, in that it suggested that a new Bonneville policy had in fact been adopted based on discussions that took place while federal agencies were developing ESA specific planning documents that much of the region was not party to. Further, the letter proposed new limits on Bonneville funding under the program. There has never been a strict cost-share requirement for project funding, and it has not been previously suggested that Bonneville funding would not be appropriate for projects on federal lands.

Subsequently, on February 4, 2002, Bonneville Director for Fish and Wildlife Sarah McNary sent Fish and Wildlife Division Director Doug Marker a letter clarifying that Bonneville is in the process of developing a policy regarding funding on federal lands, and that the policy was only *proposed* pending a regional review and input from the Council. The letter stated that Bonneville hoped to adopt a final policy on the matter by the end of March 2002. Attached to

that letter was a detailed background section outlining legal and policy points in support of proposed limits for Bonneville funding projects on federal lands. Finally, Bonneville presents detailed “background,” “principles,” “eligibility criteria” and “rating criteria” for funding projects on federal land.

**Council recommendation:** The Council needs additional time to evaluate the legal and policy justification presented by Bonneville for imposing limits to funding projects on federal land. Bonneville develops its legal reasoning by equating the “in lieu” provisions of the Act with a doctrine dealing with “augmentation of appropriations” that applies to funding between federal agencies. While we wish to explore this parallel further with Bonneville’s legal department, it is not immediately apparent to us that the specific prohibition on “in lieu” funding under the Power Act has the same dimensions or requirements as the general doctrines established with regard to how one federal agency may augment the funding of another.

The Act directs the Council to establish a program to protect, mitigate and enhance fish and wildlife, *including related spawning grounds and habitat* located on the Columbia River *and its tributaries* (4(h)(1)(A)). Clearly, Congress was aware that some of these “related spawning grounds and habitat” and “tributaries” were on federally owned lands. The Act also directs the program to include measures that “complement” federal activities related to fish and wildlife, and to use the most “cost-effective” alternative to achieve a given biological objective. Bonneville is to make expenditures consistent with that program.

On its face, it does not appear that the fish and wildlife program can set the federal efforts off in isolation. Program measures are to complement federal activities, and the program is to seek cost-effective mitigation without regard to land ownership. We note that Bonneville has not previously argued that the in lieu provisions are a blanket limitation on funding projects on federal land -- there is a substantial history of Bonneville funding such projects spanning nearly twenty years. An agency’s failure to interpret statutory provisions consistently is a factor that has caused courts to question new statutory limitations advanced by agencies. Again, the legal rationale for this emerging policy requires additional investigation and consideration.

The Council also notes that there may be a substantial inconsistency between the legal rationale for the proposed policy, and Bonneville’s singling out *habitat projects* as for diminished funding availability. That is, if the “in lieu” provision of the Act is analogous to a general prohibition on one agency augmenting the budget of another, the impact goes well beyond habitat mitigation project funding. It would appear that there are many other fish and wildlife activities within the obligations and authority of other federal agencies that Bonneville is being called upon to fund: Bonneville funding Hatchery and Genetic Management Plans required by the National Marine Fisheries Service (RPA 169); Bonneville funding of reforms at federal and federally funded hatcheries (RPA 173); Bonneville funding for a comprehensive fish marking strategy at Mitchell Act and other federal and federally funded hatcheries (RPA 174); Bonneville funding to assist in the development of ESA recovery goals (RPA 179); Bonneville funding facilitator at the TMT/IT hydro operations forum at the request of NMFS; and a host of NMFS, USFWS, Corps or other federal monitoring and research initiatives now underway or to be proposed. The bottom line is that if Bonneville believes that the Act’s “in lieu” provision is essentially the same as a prohibition on its funding activities that are within the scope of

authority or the obligation of another federal agency, there are many activities other than habitat projects that cannot be funded by Bonneville. This point needs to be explored further by Bonneville, the Council, and all parties interested in the implementation of the Biological Opinion and the program.

Aside from the legal issues surrounding the "in lieu" provisions of the Act, Bonneville's letters place a great amount of emphasis on what it represents as agreements or decisions reached by the federal caucus in its ESA planning. In a nutshell, Bonneville states that the All-H paper represents a commitment on the part of the federal land managers to deal with ESA issues on federal lands, with Bonneville focusing on private lands. This line of justification runs the risk of appearing to suggest that Bonneville and the other federal agencies split up the ESA based work in their caucus without regard for Bonneville's broader authority under the Act and without regard for non-ESA projects. Again, our initial reaction is that if the possibility of funding habitat actions on federal lands to benefit fish and wildlife affected by the hydrosystem (listed or not) is within the scope of Bonneville's authority and obligations, Bonneville cannot simply sign away that possibility in discussions with other federal agencies about how to use its diverse authorities to address the needs of listed fish affected by all federal activities.

Finally, and for the immediate task at hand of recommending projects for funding in the Blue Mountain and Mountain Snake provinces, Bonneville's draft interim policy comes too late for the sponsors and Council to apply. It is not reasonable to change the goal posts at this late date. The All-H paper was produced in December 2000, yet the draft policy and the rationale underlying it is only now being brought to the public and the Council, long after the region went to work developing subbasin summaries and project proposals. In fact, it appears that the draft policy is even too new for Bonneville itself to implement. Our review of the One-Year Implementation Plan adopted by Bonneville shows that it intends to implement nine separate habitat projects in Fiscal Year 2002 that would be jeopardized by the immediate application of this policy. Those are:

- Protect and Restore Lolo Creek Watershed (Implementation Plan (IP) # 1198)
- Protect and Restore Squaw and Pappoose Cr. Watersheds (IP #1199)
- Restore McCommas Meadows (IP # 1201)
- NE Oregon Wildlife Project - Helm Tract (IP # 1205)
- Restore Anadromous Fish Habitat - Nichols Canyon (IP #1474)
- Protecting and Restoring Big Canyon Creek Watershed (IP #1475)
- Protect N. Lochsa Face Analysis Area Watershed (IP # 1576)
- Rehabilitate Newsome Creek - S. Fork Clearwater R. (IP # 1577)
- Protect and Restore Mill Creek Watershed (IP # 1578)

The Council recommends that all projects proposed for implementation on federal land be evaluated on their merits and under the criteria discussed above along with all other projects. Meanwhile, the Council and Bonneville, with comment from the public, should initiate broad based public review and discussion of Bonneville's new funding policy.

**Issue 5: Wildlife crediting**

***This issue relates primarily to the ongoing disagreement between the Council and Bonneville on the appropriate ratio for crediting projects that mitigate for the wildlife losses caused by the construction of the basin hydro projects. Bonneville has done a preliminary accounting that it believes shows that much of the required mitigation for the construction losses of wildlife is complete. Council staff and wildlife managers have some concerns about the manner in which the accounting was done and presented.***

The wildlife crediting issue continues to be a source of dispute and confusion. Bonneville has now posted on its web site estimates of the degree of completion of its construction and inundation losses mitigation on a hydro project specific basis. Initial Council staff review and questions from the wildlife managers lead us to believe that there may be substantial disagreement as to how Bonneville has arrived at and claimed the credit represented in those tables. Staff is also confused by Bonneville project specific comments that do not appear to be consistent with its web site on crediting. For a handful of wildlife projects, Bonneville's comments indicate that the project should not be funded because the hydro project has reached full construction loss mitigation. However, the hydro projects that these projects would be credited towards show just over 50% mitigation on the Bonneville web site.

The 2000 program carried forward the estimated total habitat unit losses that were caused by the construction of the federal dams in the Columbia River Basin (See Appendix C, Table 11-4). This is an estimation of habitat lost due to inundation of lands when the reservoirs behind the federal dams were created. The Act and the program call upon Bonneville to provide mitigation for these wildlife habitat losses, and that work has been ongoing for over a decade. The primary means of mitigating for these lost habitat units has been to acquire, protect and enhance lands that offer substitute habitat. Further, the program has always encouraged "in-kind, in-place" mitigation. That is, project sponsors and Bonneville have been encouraged to acquire and protect substitute habitat of the same kind as near to the habitat lost as possible.

The hydrosystem construction/inundation losses have been estimated for each federal dam (See Appendix C, Table 11-4 of the 1994/1995 program). This has facilitated the ability to assign "wildlife construction loss mitigation credit" to a particular federal project whenever substitute habitat has been acquired and protected. This method has helped to implement the "in-kind, in-place" policy of the Council.

The "wildlife credit" issues for this provincial review continue to be the same as in the last, and are:

1. Whether or not Bonneville will seek to assign construction/inundation credits for new habitat acquisition proposals to defined losses in provinces *outside* the province. This is an issue because it appears that Bonneville may take the position that the losses assigned to the federal projects in Table 11-4 for the federal projects in the Columbia Plateau province are at or near full mitigation for the construction/inundation losses that have been assigned to them.

2. Whether or not Bonneville will follow the 2000 program's decision that loses 2:1 crediting ratio should be applied for new projects designed to address construction/inundation of wildlife habitat (that for every one habitat unit lost due to construction/inundation, two units must be permanently protected) (See 2000 program, Section C.7, page 30). The appropriate crediting ratio has been an unresolved issue within the program for over a decade. Repeated calls by the Council in past programs for Bonneville and the wildlife managers to reach agreement on a crediting ratio have been unsuccessful. Therefore, with the managers and Bonneville declaring an impasse during the amendment process, the Council used the recommendations it had received on the matter, took into account the history of the issue, and established the crediting for remaining construction/inundation losses as 2:1 in its 2000 program. Bonneville asserts a legal position that setting the crediting ratio is beyond the Council's statutory authority. The Council disagrees. This issue of whether or not the Council has the legal authority to establish the crediting ratio has been an open and documented disagreement between Bonneville and the Council for a number of years.
3. Bonneville is required by BiOp Action Item 150 to protect currently productive, non-federal habitat utilized by listed salmon that is at risk of degradation. The wildlife managers state that Bonneville is taking the position that it must receive credit against the wildlife habitat construction/inundation loss statements if it funds the protection of such habitat because of the apparent benefits that will also accrue to wildlife.
4. The Council has a project funding priority principle for wildlife mitigation projects, in order to prioritize among the many needs to address fish and wildlife impacts. For wildlife, mitigation should emphasize addressing areas of the basin with the highest proportion of unmitigated losses.

**Council Recommendation:** Support acquisition and protection of existing high quality, productive fish and wildlife habitat as stated in the funding principles above where the provinces advance them as local priorities. Adhere to the adopted program language regarding 2:1 crediting for new proposals to mitigate for wildlife habitat lost due to hydrosystem construction/inundation losses. Accept Bonneville's assurance provided at the August 2001 Council meeting that wildlife mitigation will not be credited to hydrosystem projects out of the area of the proposal without agreement of the wildlife managers.

The Council asks that Bonneville staff assist the Council staff to analyze the crediting accounting that is on the Bonneville web site. The Council believes that in conjunction with that, there may need to be Council briefings from its staff and others, and discussion regarding the methodologies that are used in the region (HEP) that are used to determine wildlife credit.

The Council urges Bonneville to consider funding habitat acquisitions that are primarily aimed at providing benefits to listed salmon without requiring as a precondition that it also receive credit against the construction/inundation loss ledgers in Table 11-4 of Appendix C of the 2000 program. First, the BiOp Action Item 150 calls upon Bonneville to protect existing high quality non-federal habitat for listed salmon whether or not it will also get wildlife credit under the Council's program as a result of meeting this BiOp requirement. Second, the Council's 2000

program seeks to move program implementation to an ecosystem approach, and to wind up the past practice of dividing the program into anadromous fish, resident fish, and wildlife segments. There remain wildlife losses above and beyond the construction/inundation losses that Bonneville must mitigate (e.g. operational losses, indirect losses). Therefore, collateral wildlife benefits that will be realized from protecting listed salmon habitat can be viewed as addressing these other wildlife habitat obligations.

**Issue 6:** "In lieu" funding determinations

While there are "in lieu" issues wrapped up in the proposed limits on Bonneville funding on federal lands, there remains the need to deal with this issue generally. Bonneville has indicated that it is currently developing a global "in lieu" policy. Because such a policy has the potential to have direct and substantial ramifications for program implementation, the staff asks the Council to secure Bonneville's agreement to work with both staff and the Council in the development of that policy.

**Issue 7.** ISRP suggestions for standardized watershed assessment protocols --Proposals for new or additional subbasin/watershed assessment and planning.

*This issue responds to the ISRP's recommendation to develop more uniform or standardized protocols for watershed assessments across the basin in order to justify habitat restoration projects. The Council recommendation is that uniform or standardized protocols not be established as conditions of project funding, but rather, the Council is dealing with this issue in requiring assessments for subbasin plans. Those plans will need to demonstrate how their habitat restoration strategies are based on those assessments. The Council recommends that in the interim before subbasin plans, the Council's decisions on habitat restoration projects should take into account the ISRP questions/issues related to habitat restoration projects presented in its report on Fiscal Year 1999 projects.*

The Council needs to reconcile two competing considerations with regard to the required technical justification for habitat restoration work that is being proposed at this time. On the one hand, the ISRP is now suggesting that more uniform and consistent basinwide protocols be established for watershed assessment work. This watershed assessment work is the information that illustrates, what, where and how much habitat restoration work should be implemented in any given watershed or subbasin. This push for more formal protocols is just the latest comment from the ISRP on the issue of watershed assessment. In its 1998 report, the ISRP noted the need for watershed assessment/analysis to justify habitat restoration work. However, in its 1998 report, the ISRP declined to suggest that explicit or formal protocols be established. Rather, it identified six questions or considerations that habitat proposals should address. Those were:

1. Distribution of the species of interest, and in relation to the proposed restoration activity. Is the activity sited correctly relative to the behavior and distribution of the species of interest?
2. How the proposal relates to other restoration efforts within the watershed.

3. Whether the proposal would promote the restoration of normative ecological processes.
4. Whether the proposal had considered the alternatives of passive restoration vs. active restoration.
5. Whether any steps were being taken within the watershed to correct the source(s) of the problem(s).
6. What evidence suggested that the proposed activity would actually correct a significant limiting factor to natural production.

It would appear that with its Blue Mountain and Mountain Snake reports, the ISRP is now asking for something more standardized and formal for watershed assessments, over and above these questions it provided in 1998.

The other consideration for the Council is its decision to move forward with the initial round of subbasin planning using *currently existing assessment information and data*. The Council is concerned about additional investment in subbasin and watershed assessment work before subbasin planning efforts determine where that new work should be focused in the basin, province, or subbasin. The Council does not support Bonneville investment in new or finer detail assessment information until it is clear that the assessment information currently available is inadequate to guide the development of subbasin visions, objectives, strategies and implementation decisions for subbasin plans, or that subbasin planning under any particular state's approach will require such work. While it is very likely (actually expected) that additional assessment gathering work will be necessary in many subbasins, it is reasonable to first assess the information that we have to identify the "gaps" that should be filled. For example, past EDT work has developed assessment information for each subbasin. Thus, the Council recommendation would preclude additional assessment work until that existing EDT information is "ground-truthed" to see where information is weak or absent. Similarly, some of the states may have invested in and committed to certain assessment activities under their subbasin planning laws or policies. If that is the case, the proposal will need to clearly show that it is related to the work that the state has committed to, and that it will be relevant to subbasin planning as described in the Council's fish and wildlife program.

Similarly, the Council does not believe that proposals that purport to establish goals, objectives, or strategies for subbasins or watersheds that will persist for more than a year or two should be funded before the first round of subbasin plans are developed. This is so because decisions on visions (or goals), objectives, and strategies should be made in the formal subbasin planning exercise that the Council will initiate in the next few months.

In summary, on the one hand, the ISRP is recommending that more definitive watershed assessment protocols be established immediately, while on the other, the Council has stated that it does not want to recommend new significant expenditures on watershed assessment or planning within the provincial review process, expecting that these matters should be addressed as part of subbasin planning.

**Council recommendation: Part 1:** Respond to the ISRP's comments and concerns about more standard and uniform watershed assessment to the subbasin planning exercise. That is, look to the subbasin planning initiative to develop a more consistent approach to subbasin assessments. While there may not be entirely consistent "protocols" adopted in subbasin planning, a more transparent and analytical approach to evaluating watershed conditions and relating habitat funding proposals to those analysis is expected. Prior to subbasin planning and the development of more formal assessments, the Council should continue to evaluate habitat projects against the questions posed by the ISRP in its 1998 report.

**Council recommendation: Part 2:** Do not fund proposals or portions of proposals to do additional or finer-scale assessments in watersheds or subbasins until the existing assessment information is reviewed and "ground-truthed." Exceptions to this general rule apply where the assessment proposal is to implement assessment work that a state subbasin planning process requires, the work is relevant to subbasin planning as described in the Council's fish and wildlife program, and the state, local, and tribal managers have agreed that it is a priority at this time.

Additionally, do not fund proposals or portions of proposals that seek to establish subbasin or watershed goals, objectives, or strategies before subbasin planning is initiated, or until those leading planning in a subbasin agree that available Bonneville funding for planning should be dedicated to the proposed activity.

**Issue 8:** Prioritization of bull trout investigations and recovery measures for Bonneville funding.

***This issue focuses on projects aimed at bull trout. The number of these proposals is increasing to deal with this listed species.***

There is a proliferation of projects that address listed bull trout, spanning from species distribution and habitat assessment type projects to actual implementation projects. These projects are almost exclusively proposed for tributary streams. While these projects do qualify for Bonneville funding under the program, to date there has been little discussion of what Bonneville's responsibility for bull trout recovery should be. Bonneville's comments indicate that it may no longer believe that it should fund bull trout projects in tributaries, but no additional rationale is provided. The comments state that Bonneville and the Fish and Wildlife Service may not be in agreement on this funding constraint, but no other information about those discussions is provided.

A collection of proposals was submitted for the Mountain Snake and Blue Mountain Provinces that address bull trout. The ISRP determined that three clearly focus on general life-history studies in different parts of the basin (199405402, 28022, 28002). Two focus primarily on population dynamics of bull trout (27017, 28014). Other projects include brook trout control to help prevent them from interbreeding with bull trout (28007), development of a monitoring program for native species in the Salmon River basin (28030), and modeling invasion by exotics (28007).

**Council recommendation:** It appears that the Service will rely upon the ongoing federal Implementation Planning process to further articulate an ESA-based obligation of Bonneville for bull trout recovery. There is evidence in Bonneville's comments that it may take the position that funding bull trout projects in tributaries should not be its responsibility, and that discussions are underway with the Fish and Wildlife Service on this point. It is critical for the Council and sponsors to be made aware of and party to those discussions. For the time being, and for purposes of the Council's funding recommendations, the Council recommendation is to treat proposals dealing with bull trout as any other legitimate fish and wildlife program proposal that does not have an ESA connection. Thus, the funding criteria discussed above would guide the Council's consideration of these projects.

**Issue 9:** ESA-based artificial production initiatives for at-risk populations -- BiOp "Safety-net artificial production program -- "SNAPP"

*This is an entirely new issue for the Council. The BiOp includes RPA's that direct Bonneville to fund a four-step process for using artificial production interventions for at-risk populations. The ISRP was very critical of the projects submitted to address those RPA's and questioned if the BiOp SNAPP program was well-conceived and scientifically justified.*

The 2000 hydrosystem biological opinion notes that there are particular populations in the Snake river basin and in the upper-Columbia that are at extremely depressed levels at risk of extinction. RPA's 175 -178 direct Bonneville to work with NMFS, USFWS, and the state and tribal co-managers to begin a four-step planning process for three specific population aggregates, and to identify additional candidates for safety-net artificial production interventions. The BiOp states that interventions should be initiated with the 2002 brood year. RPA 175 states that artificial production safety-net interventions should not be permanent projects, and that they are not to substitute for addressing the factors that led to the decline of the candidate populations. The RPA's suggest that this may be an expanding initiative, with more populations being added over the next few years.

Although the safety-net program under BiOp is a new initiative, the Council and program has seen expedited artificial production programs launched in the past. The first of these is a suite of projects that deal with endangered Sockeye in the Snake River. In 1996, another set of "High Priority Supplementation Projects" was developed to deal with populations determined to be at risk. Those have been implemented with to a varying degree. Further, on a more ad hoc basis in recent years, the Council received what appeared to be an increasing number of project proposals for the start of captive brood programs. The growing number of these intensive, population specific artificial production initiatives (primarily the captive propagation technique), and their high cost, prompted the Council in the past to develop some policies for Bonneville funding of such initiatives. The staff suggests that the Council remind the region of these policy issues, and that it frame its funding recommendations for the current BiOp "Safety-net" program in light of those concerns. While the BiOp safety-net program may not rely specifically on the captive propagation technique, the reasons for the justification for that initiative is the same as those encountered previously -- ESA and specific population risk.

**Council recommendation:** First, the Council agrees with the statements in the BiOp that these sorts of programs are not a long-term solution for the target populations. Rather, the factors that caused their decline must be addressed if these populations are to attain long-term sustainability. Therefore, before Bonneville funds these initiatives, the Council recommends that the sponsors identify the factors for decline and indicate how those factors are being addressed. Step two of the process outlined in the BiOp is the development of intervention options and strategies. The Council suggests that those strategies explicitly identify the limiting factors impacting the candidate population and also detail how those factors will be addressed immediately and in the longer-term.

Second, any safety-net initiatives should fully develop benchmarks that permit an evaluation of the program and provide the "exit strategy." As has been the Council's urging with the captive brood projects proposed and/or implemented in the past, there must be a clearly established and time-limited application of this interim intervention. How many brood years will the intervention cover? What are the "triggers" that evidence success sufficient to continue, and which evidence failure and the need to redirect investment and energy? The Council suggests that the SNAPP sponsors provide a "decision-tree" that outlines the basic benchmarks and timelines that will guide the evaluations and decisions to continue or discontinue intervention.

Third, the safety-net initiative needs to incorporate the conclusions and direction of the Artificial Production Review completed by the Council in 2000, and must demonstrate how it is consistent with the policies adopted. The implementation of the APR is underway with the Artificial Review Advisory Committee, and these initiatives need to demonstrate how they can be coordinated with those efforts. The sponsors should work with Council staff to develop a written description of how this SNAPP proposal implementation is consistent with APR implementation, and provide that documentation to the Council.

Finally, the ISRP reviewed each of the individual safety net proposals and the rationale for the initiative as a whole. The ISRP was extremely critical of the initiative -- each received a "do not fund" rating. The ISRP concluded that:

[T]he 4-step process is not ready to go forward, and may even be a flawed strategy. Its technical credibility depends on objective selection of populations for safety net consideration, on the availability of information to permit development of strategies that will do more good than harm, and on standards for management of artificial production. In addition, the process does not seem to be coordinated with the subbasin planning effort. None of these elements are in place. (ISRP Final Report, page 36).

The sponsors and Bonneville should demonstrate how the many criticisms and inadequacies detailed in the ISRP report have been addressed in the consolidated SNAPP proposal before commitments are made to these projects. A report to the Council addressing the ISRP's concerns point-by-point should be provided to the Council. The Council may choose to have this response considered by the ISRP.

**Issue 10:** "Supplementation as an experiment"

*The ISRP is concerned that sponsors are not being diligent in following through with what it understands to be supplementation "experiments." The Council recommendation is that supplementation projects that have been funded principally on the justification that they are experiments should be required to adhere as much as possible to an experimental design to provide information about the supplementation strategy. The projects that should address ISRP concerns as identified. However, where the Council participated in approving modifications to an "experiment" as appears to be the case in Johnson Creek, deviating from original study design should not be the basis for not recommending the project for Bonneville funding.*

At the conclusion of the Blue Mountain and Mountain Snake provincial reviews, the ISRP has an increasing concern that the Columbia Basin's suite of large-scale supplementation projects (Hood River, Yakima, NEOF [Northeast Oregon], NPTH [Nez Perce Tribal Hatchery], ISS [Idaho Supplementation Studies], LSRCP [Lower Snake River Compensation Program], and others) do not add up to a coherent complete test of the major hypotheses associated with supplementation as a rebuilding and recovery tool.

The ISRP clearly continues to believe that "supplementation" should be deemed an experimental strategy. However, the Council's 2000 program indicates that supplementation is more than purely an experiment. Rather, it views it as a companion strategy with habitat restoration. The 2000 program envisions the decision about using supplementation as one that is made and justified through a subbasin plan (See pp. 19-20, 2000 program). Therefore, while the ISRP and Council (through its program) may be in a bit of a different position regarding the issue of whether or not supplementation is purely an "experiment" at this point, because the Council puts the decision on the appropriateness of supplementation as an implementation strategy to local planners, this difference may be academic pending the adoption of subbasin plans. The more interesting and real issue about the use of supplementation will come when a subbasin plan proposes it in a manner consistent with the 2000 program, and the ISRP evaluates that plan.

**Council recommendation:** Until subbasin plans are adopted however, those supplementation projects that have been initiated and justified on the basis of an "experiment" should maintain the integrity of their experimental design unless there is an overriding reason to modify that design. There are several supplementation projects in these provinces that this recommendation applies to:

- Idaho Supplementation Studies and Associated Proposals

#198909800, *Idaho Supplementation Studies* (IDFG, Salmon Subbasin).

#198909801, *Evaluate Supplementation Studies in Idaho Rivers* (USFWS, Clearwater Subbasin).

#198909802, *Evaluate Salmon Supplementation Studies in Idaho Rivers* (NPT, Salmon Subbasin).

#198909803, *Salmon Supplementation Studies in Idaho* (SBT, Salmon Subbasin)

#199005500, *Steelhead Supplementation Studies in Idaho Rivers* (IDFG/IOSC, Clearwater Subbasin)

#199604300, *Johnson Creek Artificial Propagation Enhancement Project* (NPT, Salmon Subbasin).

The ISRP provided a “not fundable until the ISRP concerns are adequately addressed” recommendation. Their comments indicate that the experimental design has not been adhered to and future commitment to treatment durations, particularly to the Phase III portion of the study design, where supplementation ceases, so that treatment effects can be analyzed (i.e. monitoring the effects of supplementation). Specify timelines for termination of the treatments for each treatment stream on a stream-by-stream basis is needed in table form. In the past, sponsors have not stuck with agreed upon control streams. How confounded are the treatment and control streams? This points to the need for submittal of a certified statistical design. The ISRP request that the following elements be adequately addressed prior to a favorable recommendation.

1. A written protocol for complete statistical analysis, certified by an independent statistician team should be presented to Council during the contracting period. The ISRP is not comfortable with the implications that “problems” with the study design can be “fixed” during the statistical analysis stage. Considerable thought and effort should be placed in planning the statistical analyses of these potentially controversial data before final decisions are made on criteria for stopping supplementation and before data are available.
2. The protocol for statistical analysis must indicate how straying of hatchery fish into “control streams” and “partial treatments” will be analyzed. For example, the response to the ISRP preliminary review indicated that the straying rate of hatchery fish into the Secesh River from 1996-2001 varied from 0.83% to 14.71%. This is in fact, de facto supplementation. It is unclear to the ISRP how partial treatment and de facto supplementation of control streams will be addressed in the statistical analysis of the ISS.
3. Development of a specific stream-by-stream protocol and timetable for implementation of Phase III of the ISS. Included in this is the immediate cessation of supplementation activities in Johnson Creek (see comments below on proposal 199604300) and inclusion of Johnson Creek once again as a control stream in the ISS experimental design.

The Council recommends that the sponsors for all projects listed in the body of this discussion provide the material as suggested by the ISRP in points 1 through 3. above. The exceptions are that the sponsors need not use an “independent statistician team;” and that the recommendation to halt supplementation activities in Johnson Creek and returning it to “control” stream status is not absolutely required. The Council recommends that the JCAPE cooperators

(Nez Perce, IDFG; USFWS, Shoshone Bannock) need to specifically detail how they agreed to move Johnson Creek from a control stream in the ISS study to one that is supplemented. This confirmation must include: (1) the understanding of the cooperators in 1996 regarding the use of this stream in the ISS study design; and (2) any agreements reached at that time regarding the magnitude of the Johnson Creek supplementation program, and any current agreement about the magnitude of the program currently underway. This information needs to be provided to the Council prior to the step two submittal.

The Council recommends that the Nez Perce and other ISS project sponsors investigate the possibility of managing the ISS study design and/or the Johnson Creek supplementation activities to maximize the quality of information that the ISS study can derive from Johnson Creek. Additional discussion and qualifications to the funding of the Johnson Creek proposal are included in the project specific comments of this memorandum for the Mountain Snake province (see Salmon Issues 7, 8 and Clearwater 15).

**Issue 11:** HGMP funding

***This issue relates to the BiOp requirement that Bonneville fund the development of Hatchery and Genetics Management Plans (HGMP) for artificial production programs.***

The Council sees an important need to coordinate the HGMP development process being advocated by NMFS with the existing, Bonneville funded (\$869,000 currently approved), APRE. The APRE process will produce both an individual program and consolidated review of artificial production in the Columbia Basin and as well as a progress report to decision makers on the status of Columbia Basin artificial production reform. The APRE will provide valuable information on artificial production to planners developing or completing sub-basin plans. HGMPs<sup>1</sup> will also provide extensive information on individual hatcheries and be a vehicle by which NMFS will determine whether an artificial production program is in compliance with ESA requirements.

The APRE and HGMP processes will both need to gather similar information on anadromous artificial production programs in the Basin. The Council staff, NMFS and Bonneville are working on an agreement where APRE process will collect the necessary artificial production data that will serve the needs of both the APRE and the HGMP. Such an arrangement will improve the consistency, coordination and cost-effectiveness of both reviews. Completion of APRE tasks and written draft HGMPs for all anadromous Columbia Basin artificial production programs should result from this approach. Although it will be necessary to obtain additional funding to acquire additional information and to write draft HGMPs, this approach lessens duplication and is cost-effective.

Future HGMP funding requests should not include the costs associated with the development of draft HGMPs. However, completing the HGMP process may require additional funding. Finalization of HGMPs will be a collaborative and iterative process between NMFS

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<sup>1</sup> The review will provide key information for prioritizing funding and development for existing processes. The region's progress in reducing the adverse impacts of poor hatchery programs on ESA-listed stocks is key to the results/crediting needed for the FCRPS BiOp

and hatchery operators and take place after the draft HGMPs are completed. The process will specifically outline what actions must be taken by artificial production programs in order to satisfy ESA requirements.

Another issue that must be fully clarified is the source of funding for finalizing HGMPs. There are other sources of funding that may be available which are more appropriate to fund the finalization of HGMPs. For example, funding to complete HGMPs for some U.S. Fish and Wildlife (USFWS) programs should not come from BPA's integrated fish and wildlife program budget but rather from the BPA/USFWS Direct Funding MOA for funding agreement with Bonneville or other sources.

Finally, before additional funding is approved for HGMPs, it must be clearly articulated how the HGMP process will coordinate with regional subbasin planning. The completion date for all anadromous HGMPs is September 2003. This date is before the date when many subbasin plans will be complete. Subbasin plans and final HGMPs must be consistent with each other and therefore coordination between the two processes is critical.

The ISRP did not review the only proposal solely addressing the completing of HGMPs (Project #28026). However, in other comments in the report, the ISRP states that HGMPs may not provide adequate guidance on how to protect ESA listed stocks. See general comments on 4-step SNAPP process.

**Council Recommendation:** The Council supports Bonneville funding for the completion of HGMPs contingent on successful integration of the HGMP process with the Council's APRE and subbasin planning efforts. Further clarification on the appropriate amount and source of funding to finalize HGMPs must also be explicitly defined.

**Issue 12:** Preservation /Conservation Purpose Artificial Production Proposals (AP)

*This issue relates to concerns raised by the ISRP about specific captive propagation projects, as well as the captive propagation strategy overall. In addition, this issue relates to concerns expressed by the Council in past funding decisions about the cost, duration, and soundness of captive propagation actions generally.*

The ISRP raised substantial questions about the soundness of what seems to be a fundamental premise of the captive broodstock artificial production strategies -- the need to alter the performance traits of the captive brood to make them similar to fish in nature. The ISRP indicated that this may be a "flawed strategy" and questioned if these projects would ever be complete. The ISRP recommended that all projects underway to preclude extinction of Stanley Basin sockeye salmon should be subjected to review by "outside experts." The ISRP noted that an oversight committee exists, "but they are viewing the program as a series of funded projects that need to be forged into a recovery strategy."

The Council has had general, programmatic concerns about the captive propagation strategy in recent years. In its Annual Implementation Work Plan for FY 1998, the Council called for a careful review of the feasibility of captive breeding as a regional restoration strategy,

prior to any further significant investments in either on-going or new initiatives of this type. The call for this review followed the concerns expressed by the Independent Scientific Review Panel that "...the use of captive brood technology may grow to widespread implementation without adequate policy guidance." Thus, the rapid expansion of captive propagation initiatives without appropriate policy guidance, and the need to make immediate funding recommendations on certain programs called for a thorough review of captive propagation programs at this time. In addition broad level issues concerning the conceptual application of captive propagation for the recovery of stocks at risk of extinction existed.

In 1998 the Council called for NMFS to provide interim standards for the use of captive propagation technology by August 1, 1998. The Council asked for interim standards that would establish protocols for determination of the circumstances under which captive propagation will be used to preserve listed fish populations and the circumstances under which the intervention event will be phased out as a component of a recovery program for a specific population and specifically address the following items:

- A protocol to evaluate the risk of extinction vs. the risks of intervention;
- Demonstrate an explicit linkage between releases from individual captive propagation programs and the availability of suitable habitat and/or habitat restoration activities within the geographic scope of planned releases;
- A protocol to decide the type of intervention appropriate to different populations;
- Rationale for the initiation and duration of each intervention;
- Mechanism to prioritize intervention efforts;
- Prioritized list of likely target populations and intervention programs that can form the basis for programmatic and budgetary planning;

The Interim Standards for the use of *Captive Propagation Technology in Recovery of Anadromous Salmonids Listed under the Endangered Species Act* was provided by NMFS in February 1999. However, in December 1999, the Council expressed concern that a prioritization of likely target populations and intervention programs to form a basis for programmatic and budget planning had not been provided as requested. Without the prioritization held captive propagation projects at their existing funding levels. The Council also wanted these projects reviewed for consistency with the Council's APR.

The following conditions were imposed by the Council for its Fiscal Year 2000 recommendations:

- Funding should be held at levels required to fund these existing programs pending the prioritization that the Council has previously requested from NMFS, and expansion of existing programs should not be permitted. To date, the Council has not received a prioritization of likely target populations and intervention programs to form a basis for programmatic and budget planning.
- The Council should not consider any new funding for this technique until adequate review has been completed, and, if possible, subbasin plans are in place.

- A review of these captive brood programs for consistency with APR report policies and standards should be conducted before additional funds are allocated to these programs or new programs.

The following projects are affected by the ISRP's comments:

#199700100, *Captive Rearing Project for Salmon River Chinook Salmon*

#199107200, *Redfish Lake Sockeye Salmon Captive Broodstock Program*

#199204000, *Redfish Lake Sockeye Salmon Captive Broodstock Rearing and Research*

#199107100, *Snake River Sockeye Salmon Habitat and Limnological Research*

#199801001, *Grande Ronde Basin Spring Chinook Captive Broodstock Program*

#199800703, *Facility O&M and Program M&E for Grande Ronde Spring Chinook Salmon and Summer Steelhead*

#1998-010-06, *Captive Broodstock Artificial Propagation*

#1998-007-02, *Grande Ronde Supplementation: Lostine River O&M and M&E*

**Council Recommendation:** Captive propagation programs must be regarded as a temporary preservation/conservation measure that should be placed in the context of an overall recovery plan, which addresses all factors causing population decline. Whether such a program should be extended beyond a single generation (a single life-cycle is discussed in the NMFS interim standards) will depend on the performance of the fish in captivity and the wild, the viability of the natural component being supplemented, and the success of measures taken to address other factors of decline. Therefore, the sponsors need to collectively address the following.

- the conditions placed on the ongoing projects as addressed as part of the FY 2000 recommendations (the three bullets immediately above),
- address the issues raised by the ISRP in ISRP 2001-12A for each of the particular projects,
- address the elements of the Interim Standards for the use of *Captive Propagation Technology in Recovery of Anadromous Salmonids Listed under the Endangered Species Act* was (NMFS 1999), that outline the steps that managers should proceed through when sponsoring a captive propagation

In the interim placeholder budgets will be established for the projects until the conditions set forth above have been satisfied. Release of funds should be contingent on meeting the conditions above.

**Issue 13:** Prioritization of habitat restoration and strategies

***This issue relates to comments made by the ISRP that suggest that habitat restoration needs to be better prioritized in relation to both area and strategy. The ISAB is asked to review the effectiveness of various habitat strategies.***

ISRP recommends that administrators and scientists participating in the Council's Fish and Wildlife Program focus attention on identifying, as soon as possible, the overall spatial array of watersheds and habitat units needed to protect important populations. While not characterizing the current work as such, the ISRP stated that its confidence in the piecemeal improvement in the appearance of habitat ("gardening approach") as an effective strategy is low.

The ISRP believes that the best long term strategies for protecting fish and wildlife habitat and restoring viable populations are to purchase lands, conservation easements, and water rights for instream flow. The greatest scientific confidence for protecting the needs of populations resides in protecting as many areas maintained by natural processes as possible, at least until specific needs are better understood.

In September 2001, the ISRP reviewed the Confederated Salish and Kootenai Tribes' Habitat Acquisition and Restoration Plan (19910600) to determine whether it provided scientifically sound criteria and protocol to prioritize habitat acquisitions. The ISRP found that document described a good plan for habitat acquisition and restoration of wildlife habitat in mitigation for lost aquatic and riparian habitat due to the Kerr Project No. 5 located on the Flathead River and could serve as a useful model to other habitat and restoration proposals with some minor revision of the monitoring and evaluation (M&E) component of the plan.

The ISRP also spoke to certain restoration and protection strategies, such as acquisitions and conservation easements, no-till seeding agriculture, and others.

**Council Recommendation:** Respond to these issues by enlisting the assistance of the ISAB. Council staff is considering using the ISAB to look further at habitat restoration efforts. That potential assignment is framed as follows:

*Tributary Habitat Restoration Strategies. The Council's fish and wildlife program and the NMFS recovery strategies both place an emphasis on restoration and management of tributary habitats. Subbasin planning will especially focus on tributary habitats and will certainly include large numbers of projects designed to restore and improve tributary habitats for fish and wildlife. The ISAB has noted that these actions take place without a sound scientific foundation-tributary restoration projects are often developed piece-mile and without an understanding of the underlying geological and hydrological factors that create and maintain aquatic and riparian habitats. Subbasin plans could contain a number of well intentioned but perhaps ill-conceived projects to restore or "fix" tributary habitats. The effectiveness of subbasin planning and habitat restoration will be increased by proceeding from a sound scientific foundation.*

*Staff proposes asking the ISAB to develop a scientific foundation to guide habitat restoration in the Columbia basin. The board should review and synthesize the scientific knowledge regarding tributary habitat formation and maintenance and how human actions shape and constrain these habitats. The board should also review the techniques (e.g. models and analysis) for diagnosing habitat change and for identifying and prioritizing restoration opportunities. The review should characterize the types of habitat change that occur in the Columbia Basin at the scale of the Council's ecological provinces. The review should also evaluate (on the basis of the scientific literature) techniques for habitat restoration and their application of different techniques to these problems at the province scale.*

**Proposed time frame and resources:** Pending consultation with the ISAB executive committee, staff proposes a six to eight month time frame for the review commencing as soon as possible so that the review can benefit subbasin and recovery planning. Staff envisions concentrated effort on this review by four board members over this period with discussion and review by the entire board.

**Issue 14:** Planning, budgeting, and funding large capital expenditures

The Council, Bonneville, and fish and wildlife managers need to work together to develop a capital plan that outlines anticipated large capital costs, when those costs will be realized, and how those costs can be positioned over time. As interested parties worked through these provinces, and particularly the issues related to the recommendations for the proposed Northeast Oregon Hatchery spring chinook facilities, the need for such a capital plan and funding strategy was made evident.

Large capital needs may not always be able to be satisfied out of a particular province allocation. That is, substantial construction in one year may subsume the entire budget available to a province, leaving no resources for even ongoing work. A capital plan is needed that anticipates these costs in advance and allows additional funds to be directed to those provinces or projects to meet the "spikes" in costs that come from these sorts of projects.

The Council recommendation is to work with the region to develop a plan that identifies possible large capital expenditures. Much of this work has been completed. The next step is to sequence those projects so that those funding "spikes" do not coincide in such a way that funding is insufficient. Further, the Council believes that the both province allocations and the general unallocated placeholder, combined, could be called upon to meet these capital needs, or other funding requirements, as they occur. The Council recommends this over the less flexible alternative of carving out a specific capital placeholder and managing it strictly for capital expenditures. The approach suggested by the Council will require considerable discipline on the part of the fish and wildlife managers, Council and Bonneville, in approving within-year reallocations. That is, knowing that the unallocated placeholder is a major source for meeting capital needs should force a consideration of those needs against the many special or emergency requests that come are submitted to the Council that seek funding from that unallocated placeholder.

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## Blue Mountain Province Project Specific Issues

### Asotin Creek Subbasin

Various state and federal agencies, tribes and local watershed groups have developed planning documents, policies, and management guidelines for fish and wildlife habitat protection and enhancement in the Asotin Creek subbasin. The Asotin Creek Model Watershed planning effort was developed as part of the Council's 1994 *Strategy for Salmon*. More specifically, the Council called for locally based model watershed planning efforts to develop and implement fish and wildlife habitat protection and restoration measures. The Asotin Creek subbasin restoration efforts have been expanded with planning, management and funding being supported by programs outside of the Council's program.

While effectiveness in implementing these plans, policies and regulations varies, efforts to increase inter-agency coordination and cooperation are being made throughout the subbasin. Fisheries goals, objectives, strategies and recommended actions overlap between resource management entities. The Council's subbasin planning process will identify and clarify mutually respected goals, objectives, strategies and actions to facilitate fish, wildlife and associated habitat restoration. The U.S. Forest Service and the Washington Department of Fish and Wildlife have established goals for wildlife populations in the subbasin, and these also will be addressed in subbasin planning.

Many projects have been implemented in the subbasin to improve fisheries habitat to ensure self-sustaining populations. Using the *Asotin Creek Model Watershed Plan*, the Asotin County Conservation District is the primary entity coordinating habitat projects on both private and public lands within the watershed. Approximately 276 projects have been implemented as of 1999. In 2000, 20 of these projects were funded in part by BPA.

These projects used a variety of methods to enhance and protect watershed conditions. Instream work for fish habitat included construction of hard structures (e.g., vortex rock weirs), meander reconstruction, placement of large woody debris and whole trees, and improvements to off-channel rearing habitat. Thirty-eight pools were created with these structures. Three miles of stream benefited from riparian improvements such as vegetative plantings (17,000 trees and shrubs) and noxious weed control. Two sediment basins, 67 acres of grass seeding and 745 acres of direct seeding were implemented to reduce sediment production and delivery to streams in the subbasin.

Spring chinook salmon is a primary focus of the watershed plan. The Plan was the first of its kind to be funded by Bonneville in Washington that deals specifically with watershed restoration and protection of endangered anadromous fish habitat. Technical agencies, local landowner and citizen committees and the Conservation District collaborated to identify resource issues and recommended solutions. The Plan identifies the limiting factors affecting salmonids in

Asotin Creek, which include sedimentation, temperature, lack of quality and quantity pool habitat as well as water quality problems from elevated fecal coliform levels. Since 1996, implementation funding can be divided into six main categories: instream, riparian, upland, monitoring, information and education, and administration. Efforts to improve instream pool habitat, reduce streambank sedimentation and create complex fish habitat began in 1997. Projects reduce stream width and increase stream depth to improve habitat for juvenile and adult salmonids and increase bank stability. From 1996 to 2000, 151 pools were installed at an average cost of \$1,714 per structure. Bonneville contributed a total of \$338,512 for instream projects.

A number of projects have been implemented to improve wildlife habitat. Most of these projects have been sponsored by the U.S. Forest Service, the Rocky Mountain Elk Foundation and the Washington Department of Fish and Wildlife Upland Restoration Program. These include weed control, controlled burns, road and area closures, forage enhancement projects, land acquisitions and upland restoration projects.

In April 2002, the Council recommended four new projects for funding over the next three years in the Asotin subbasin. These will be in addition to the ongoing work associated with watershed improvement projects that have been underway since 1994. The Washington Department of Fish and Wildlife will assess salmonids in the watershed and characterize freshwater habitat for salmonids and distribution of stocks. The Nez Perce Tribe will address sedimentation into fish habitat from upland forested areas of the watershed. The Asotin Creek Conservation District will undertake two projects, one to continue to coordinate, assess, protect, restore and monitor fish habitat cost-share programs in the watershed and another to address riparian buffers throughout the subbasin.

### **Asotin Issue 1: Continued Coordination and Implementation of Asotin Creek Watershed Projects (Project 199401805)**

**Council recommendation:** The only project currently funded under the direct funding portion of the fish and wildlife program in Asotin Creek, Project 199401805 coordinates, protects and restores fish habitat through cost-share programs. Asotin County Conservation District requested additional funding from the FY01 base to prevent the loss of significant benefits gained through past project implementation and to maintain their ability to obtain matching funds. The County has obtained significant cost share from the Salmon Recovery Funding Board that could be at jeopardy if the budget maintained FY01 plus 3.4 percent level.

The project emphasizes passive restoration techniques and includes new money for CREP/CRP funding (RPA 153). The project has some active restoration components. Council believes the increased funding will allow the County to continue the passive restoration emphasis of the project and recommends the CREP/CRP funding component. The Council recommended budget for this project exceeds the general rule of funding at the Fiscal Year 2001 level plus 3.4%. The increases are directed towards those activities that may respond to RPA 153. Council would tend to de-emphasize some of the more intensive active restoration techniques (Construction and Implementation budget tasks 1d and 3b), in light of some of the questions raised by the ISRP about engineered work and in an effort to correspond to ESA needs, but believes some less intensive active restoration (Construction and Implementation budget tasks 2a-c) should continue.

Bonneville's comments supported funding the project as responsive to several RPAs and consistent with subbasin planning.

For Fiscal Year 2002, Council would recommend increasing the budget by \$28,010 over the Fiscal Year 2001 plus 3.4% base budget for the project.

**Asotin Issue 2: Asotin County Riparian Buffer and Couse and Tenmile Creeks Protection (Project 27001)**

**Council Recommendation:** Prioritized under the new project funding part of the decision tree, Council believes the emphasis the project places on passive restoration through the use of the CREP/CRP program warrants funding to implement RPA 153. As noted in the programmatic considerations, new work that emphasizes ESA needs is emphasized. Council would not recommend funding the active restoration component of the project (Construction and Implementation budget tasks 1c and d, task 2a and task 3b), prior to the development of an Asotin subbasin plan, as these elements do not correspond to ESA needs or fall within any of the other general considerations that would support new work. Bonneville commented that the project implemented RPA 153 and recommended funding the project.

**Asotin Issue 3: Assess Salmonids in Asotin Creek Watershed (Project 27002)**

**Council Recommendation:** The Washington Department of Fish and Wildlife proposed this new project to conduct a stock assessment of all anadromous and resident salmonids in Asotin Creek. Bonneville commented that the "project appears to have high potential and should be reviewed after the regional RM&E plan is completed," but did not recommend funding. ISRP recommended funding the project as a high priority, but expressed some concern about methodology and recommended close coordination with the monitoring program in the John Day basin (Project 199801600).

The Council encourages a more regionalized approach to monitoring and evaluation. The Council, however, believes Project 27002 is essential in a subbasin where little is known of the status of most salmonid stocks. The Council suggests an exception to the general funding consideration that does not support additional assessment work because it appears that, for this particular subbasin, such an assessment would provide valuable information in the development of a subbasin plan. ISRP has supported the development of stock assessments and has given strong support to this project. The NMFS comments identify this project as corresponding to RPA 180, which is important in that the general funding considerations support new work that addresses Bonneville's ESA needs.

**Asotin Issue 4: Protect and Restore Asotin Creek Watershed (Project 27014)**

**Council Recommendation:** The Nez Perce Tribe proposed Project 27014 to obliterate roads on Forest Service lands to reduce sediment loads in Asotin Creek. Asotin County commented that the project was a priority for them. Bonneville noted the project should await subbasin planning

and the adoption of its policy for funding habitat projects on federal lands. The NMFS stated the project would help implement RPA 154.

The Council believes the project provides significant benefits to listed stocks within the subbasin to warrant proceeding with the project prior to the development of a subbasin plan. As discussed in the programmatic issues, the Council intends to rely substantially upon the ISRP's thorough provincial review to determine if there is sufficient coordination, information and context to permit new projects to proceed prior to having a subbasin plan completed. The ISRP did find this new project fundable even without a subbasin plan. Additionally, the Council believes holding the project in abeyance prior to the adoption of a federal lands funding policy is not compelling for the reasons discussed in the programmatic issues. The Council does note, however, that this project is responsive to the two major themes that we see in the draft interim Bonneville policy: (1) cost-sharing and (2) relationships to other Bonneville investment. The sponsors indicate that the project incorporates a federal cost share of \$70,000 (compared with the \$121,000 requested of Bonneville), which is approximately a 37% federal cost share. In addition, this proposed work is linked to past Bonneville investment. This project is downstream and builds upon over a million dollars of Bonneville past investments in the watershed through project 1994018905 discussed above (it is noteworthy that there has also been nearly \$600,000 in non-Bonneville investment in the watershed as well). The Council believe that these factors demonstrate that this project is already incorporating the fundamental elements of Bonneville's draft policy, and had done so long before the draft interim policy was released. The Council would also recommend that Bonneville emphasize the need for project sponsors to pay strong attention to monitoring results of the obliteration projects post-implementation, in light of the comments of the ISRP. The project sponsors should be on notice that a demonstration of effectiveness, through this monitoring, will be an important consideration for the Council as it considers these or similar projects in the next provincial review cycle.

### **Grande Ronde Subbasin**

Located in the southwest portion of the Blue Mountains Ecological province, the Grande Ronde subbasin encompasses an area of about 4,000 square miles in northeastern Oregon and southeastern Washington (Figure 1). The subbasin is characterized by rugged mountains and two major river valleys, and is defined by the Blue Mountains to the west and northwest, and the Wallowa Mountains to the southeast. The Grande Ronde River flows generally northeast 212 miles from its origin to join the Snake River at River Mile 169, about 20 miles upstream from Asotin, Washington, and 493 miles from the mouth of the Columbia River.

The Oregon Department of Environmental Quality has identified many stream segments within the Grande Ronde subbasin as water quality limited, meaning that they do not meet state standards for all or a portion of the year. Key problem areas are algae, bacteria, dissolved oxygen, flow modification, habitat modification, nutrients, pH, sedimentation and temperature. Many of these stream segments are habitat areas for chinook salmon, summer steelhead and bull trout. While not the only issue, riparian habitat degradation is the most serious problem in the subbasin, and improving these riparian areas will improve temperature, stability, sediment, other water quality factors and habitat.

Elevated water temperatures occur throughout the upper Grande Ronde subbasin. Maximum water temperatures in the mainstem river are often observed upstream of the valley floor. Improved riparian vegetation along smaller streams will dramatically reduce the daily maximum stream temperature. Significant, but not as dramatic, reductions could also be expected on the wider mainstem river.

An estimated 38 species of fish, including 15 introduced species, are found in the Grande Ronde River subbasin, including six that are federally listed as threatened or as species of concern. The threatened species are spring chinook, fall chinook, summer steelhead and bull trout. The species of concern are redband trout and Pacific lamprey.

A variety of wildlife is found in the riverine, wetland and upland habitats of the Grande Ronde River subbasin. More than 20 federally listed species or species of concern can be found in the subbasin. Certain populations of wildlife species are managed by federal, state and tribal wildlife managers throughout the subbasin including big game, furbearers, upland birds, and waterfowl. Many raptor species (e.g., golden eagle, American kestrel, northern goshawk) inhabit the subbasin including several seasonal migrants (e.g., bald eagle, Swainson's hawk).

Past efforts in the Grand Ronde subbasin include projects to:

- Protect and enhance fish habitat in selected streams on private lands in order to improve instream and riparian habitat diversity and increase natural production of wild salmonids. There are dozens of projects of this type in the basin, targeting Snake River spring/summer chinook salmon, summer steelhead, bull trout and redband trout.
- Plan and develop conservation fish production facilities to implement salmon recovery programs for native, ESA-listed spring chinook and steelhead, and reintroduce coho and sockeye salmon.
- Implement the Grande Ronde Model Watershed Program, which involves coordinated, sustainable resource management and habitat restoration projects for salmon, steelhead and bull trout.
  - Partnered with the Oregon Watershed Health Program, OWHP (now named Oregon Watershed Enhancement Board, OWEB) from 1994-1995 to implement 94 projects for a total cost of \$6,089,000. Funding for these projects was provided by:
    - OWHP: \$3,151,000
    - BPA: \$393,000
    - Other Agencies, Organizations, & Tribes: \$1,762,000
    - Private Landowners: \$783,000
  - From 1996-2001 worked with BPA and OWEB to fund 196 projects for a total cost of \$12,900,000. Funding for these projects was provided by:
    - BPA: \$4,647,000
    - OWEB: \$1,168,000
    - Other Agencies, Organizations, & Tribes: \$5,724,000
    - Private Landowners: \$1,361,000

- Investigate the abundance, migration patterns, survival and life history strategies of spring chinook salmon and summer steelhead from distinct populations and implement fish population and habitat monitoring.
- Study bull trout populations in the basin including distribution and number and age structure, and explore methods to monitor their abundance, describe their migratory patterns and monitor the status of populations.
- Operate the Northeast Oregon Wildlife Mitigation Project -- "Precious Lands" -- to protect, restore, and enhance canyon grassland habitats and associated riparian and forest communities to benefit fish and wildlife.
- Operate adult trapping and juvenile acclimation facilities and conduct monitoring and evaluation in the Lostine River to implement the Lostine component of the Grande Ronde Basin Endemic Spring Chinook Supplementation Program.

### **Grande Ronde Issue 1: Grande Ronde Fish Habitat Enhancement (Project 198402500)**

**Council recommendation:** The Oregon Department of Fish and Wildlife ongoing project would protect and enhance streams on private lands in the Grande Ronde basin. New work proposed in the project included the enhancement of the monitoring and evaluation component of the project, stressed as a need by the ISRP, and new stream enhancement activities, both passive and active, on several creeks within the basin. Bonneville rated the project as fundable for implementation of RPAs 152, 153 and 154.

The Council supports the additional funding beyond the general 3.4% increase to address the ISRP's recommendation to boost the monitoring capacity for this longstanding project within the fish and wildlife program. The Council also supports the additional stream enhancement work as a priority for ODFW, with some exceptions. In keeping with Council policy to support new work that responds to the general funding considerations outlined in programmatic issue 2 above, the Council would recommend not funding Planning and Design budget tasks 3g and h, and Construction and Implementation budget Objectives 2 and 3 prior to subbasin planning, as that new work does not respond to any of the funding considerations approved by the Council.

The Council would recommend increasing the budget by \$67,467 over the FY01 plus 3.4 percent base budget.

### **Grande Ronde Issue 2: Northeast Oregon Hatchery Master Plan (Project 198805301)**

**Council Recommendation:** The Nez Perce Tribe, Oregon Department of Fish and Wildlife and BPA initiated the Northeast Oregon Hatchery project in 1988. Initially designed to address spring chinook, steelhead, coho, sockeye and fall Chinook, NEOH has evolved over time. The master planning development refocused on phasing in rebuilding goals. The Master Plan has focused on addressing current levels of production under the Lower Snake River Compensation Program using new and improved techniques for artificial production. The reason for this refocus on current production levels was driven primarily by ESA requirements and constraints for hatchery production, and facility limitations that were compromising the ability to achieve the production that had already been agreed to by the managers and permitted by NMFS. On September 20, 2000 the Council provided a conditional approval of the Step One submittal (the

Spring Chinook Master Plan). The Council also established its expectations for the Step Two submittal. .

On September 4, 2001 the NPT submitted the Step Two documents. When the Nez Perce made that submission it was believed that NEPA requirements would be satisfied with a simpler Environmental Assessment (EA) document. It was anticipated that this EA would be completed by the time Council made decisions on the Mountain Snake and Blue Mountain Provinces. Council staff wanted to align the review of the Step Two documents by the ISRP to the provincial review for efficiency purposes. However, soon after the step two submittal was received, BPA made a determination that that a full Environmental Impact Statement (EIS) document would be needed instead of the previously anticipated, and much simpler, Environmental Assessment. This new decision by BPA about its NEPA requirements prevents the Council from making a Step Two decision in this current provincial review. It is anticipated that the draft EIS will be completed this fall. In light of this more extensive environmental review process, the comments made by the ISRP in their preliminary review of the Step Two documents (ISRP document 2001- 12C) and the need to complete important elements of the step two submittal (e.g. monitoring plan, MOU and etc.) the completed step two submittal needs to be rescheduled to a later date<sup>2</sup>so that it tracks with the EIS development. The Council is advised that the draft EIS will be completed in late summer or early fall. This should allow for a step-two submittal to be provided to the Council in the fall of this year (2002). The proposed FY 2002 budget has been realigned to reflect the altered schedule and a more realistic timing for out-year phases and costs. As always, final details and Council approval of out-year costs (such as construction) will depend on Council decisions made in its Step Two and Three reviews and decisions. At this time it is anticipated that construction, if approved by the Council, would occur in FY '03.

ISRP supported all projects associated with the NEOH planning effort (e.g. ODFW). NFMS considers the project as a BASE project for Biological Opinion implementation and Bonneville rated the projects as fundable.

A remaining issue overhanging NEOH, and perhaps other large capital projects currently being planned and contemplated, is how to ensure the necessary funds are available to project sponsors for large capital projects when those projects successfully complete step reviews and move into a build-out phase. If these funding needs must come from exclusively within the province funding allocations established by the Council, they could potentially consume the bulk of the provincial budget. For example, in the case of NEOH, if its funding is limited to the provincial budget of \$12.4 million, the entire provincial budget by FY04 would be consumed for the construction of that project.

Looking at the Blue Mountain funding allocations in this fashion, the regional discussion of Blue Mountain priorities left an unallocated reserve of \$5.541 million, with much of the allocation coming out of some Nez Perce monitoring and evaluation projects (see Imnaha Issues 1 and 3). To ensure NEOH with some capital reserve from the provincial budget, the Council

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<sup>2</sup> In addition, this would be the appropriate place to address the needs as expressed in projects #199801006 (Grande Ronde Issue 9), #199701501 (Imnaha Issue 1) and #27021 (Imnaha Issue 3). Though they need to be grounded in appropriate phased work and/or master plans.

would recommend that these reserve funds be dedicated to the design and construction of NEOH. Dedicating these funds as a reserve would still leave the capital needs of NEOH about \$13 million short of proposed requirements in the three-year budget period as currently defined.

Discussions have taken place to try to resolve the capital allocations provinces in which the Council has already made funding decisions and to forecast in an effort to determine potential capital needs in provinces scheduled for FY03 decisions. Unless other funds have been secured, the unallocated placeholder at Bonneville could then be used to pay for the balance of the NEOH design and construction funds if that project continues to secure Council approvals in the three-step review process. Council staff continue to work on defining the anticipated large capital needs for the program, and will work with the Council, fish and wildlife managers, and Bonneville to further define how we need to be strategic in the use unallocated placeholder funds as well as capital component within each province allocation to meet large capital needs.

### **Grande Ronde Issue 3: Implement Grande Ronde Model Watershed Program (199202601)**

**Council Recommendation:** The Model Watershed has been an integral part of the Council program since the early 1990s and sponsors numerous habitat restoration projects throughout the Grande Ronde basin. The Model Watershed requests funding in Fiscal Years 2003 and 2004 to replace lost funding for engineering support work for water quantity enhancement activities that had previously come from the Bureau of Reclamation. Under the FCRPS Biological Opinion, the Grande Ronde was not designated a priority subbasin for the Bureau, so the Bureau apparently is reprogramming funding to its "priority" basins. Bonneville recommended funding the Model Watershed program as consistent with the development of subbasin planning and implementation of numerous RPAs.

The Council finds the loss of Bureau of Reclamation funding distressing, but recommends the funding requests for FY03 and FY04 to replace the lost Bureau funds as necessary to implement the Model Watershed's programs and projects. The Bureau should consult with the and conduct further budget discussions with the federal agencies to help ensure that the priority areas receive enhanced funding to comply with their Biological Opinion requirements. The Council requests notice, and an opportunity to discuss those situations, such as in the Grande Ronde, where funds previously committed are considered for reallocation to Biological Opinion "priority" basins.

Under the Council recommendation, the project would not increase its base budget until Fiscal Years 2003 and 2004. In Fiscal Year 2003, the Council recommends a \$304,685 increase over the base budget.

### **Grande Ronde Issue 4: Investigate the Life History of Spring Chinook Salmon and Summer Steelhead (Project 199202604)**

**Council Recommendation:** A long ongoing ODFW monitoring program for abundance, migration patterns and survival of chinook and steelhead, project sponsors requested new funding above the FY01 plus 3.4 percent cap to conduct additional monitoring activities (Oregon

Plan EMAP) and an over-wintering survival study. Both activities were put as a priority by ODFW in the regional discussions on Blue Mountain priorities.

The ISRP gave the project a Fund in Part designation supporting all aspects of the project except the EMAP activities. ISRP reasoned that though EMAP held great promise and could be a model for Tier 2 monitoring programs throughout the basin, they wanted to see a demonstration of results of the approach in the John Day before committing to the task in the Blue Mountains. NMFS observed that the project was an "absolutely necessary monitoring program for juvenile and adult salmonids in the Grande Ronde." Bonneville supported funding the project with the exception of the EMAP tasks. In regional discussions, the EMAP tasks were never taken into consideration, since they failed to gain the endorsement of the ISRP and would not be a part of any Council recommendation.

The Council concurs with the Bonneville recommendation to fund the project and the new over-wintering study component as an important component of Biological Opinion implementation. Thus, the Council recommends increasing the base budget by \$138,000 in Fiscal Year 2002.

#### **Grande Ronde Issue 5: Characterize the Migratory Patterns, Population Structure and Abundance of Bull Trout (Project 199405400)**

**Council Recommendation:** ODFW's bull trout monitoring and assessment project has been proposed under the same project number in several provinces (Columbia Plateau, Blue Mountain and Middle Snake). Only work in both the Plateau and Blue Mountain provinces could be considered as ongoing for FY01. The Council made a funding recommendation for the project in the Columbia Plateau. Bonneville still has the project under review before making a final funding determination in the Plateau.

Most of the work proposed in the Blue Mountain province was considered new work in the regional priorities discussions. ODFW prioritized the new work, including radio telemetry studies and EMAP monitoring for bull trout. ISRP supported the project, including the EMAP work associated with the project, but cautioned about the pilot project nature of EMAP as approved in the Columbia Plateau and suggested coordination with Project 27017 (see Imnaha issue 2). The Fish and Wildlife Service commented in a letter to the Council that the project "will help implement reasonable and prudent measure 10.A.3.1 and terms and conditions 11.1 and 11.A.3.1.a-f in the FCRPS BO." Those aspects of the Biological Opinion relate to the use of the Lower Snake reservoirs by bull trout and the counting and determining presence and size of populations of bull trout in the four Lower Snake reservoirs. They also suggested the project would serve as a compliment to Project 27017.

Bonneville noted that most work in the project should be considered as new work (it was) and rated the proposal as not fundable at this time, stating the actions proposed did not relate to a specific RPM in the USFWS Biological Opinion on Bull Trout and that "Most, if not all of this work, is in the tributaries and not the mainstem." As discussed in the general issue on bull trout projects, the Council recognizes the apparent dispute between the Service and Bonneville on the implementation of the Biological Opinion on bull trout.

The Council would prioritize the new work proposed in this ongoing project as an element of the fish and wildlife program responsibilities, leaving for the discussions between the Service, Bonneville, the Council and other interested parties the ultimate implementation of the bull trout Biological Opinion. The Council notes that the Council adopted a programmatic direction in the Columbia Plateau province that recognized that bull trout work in the tributaries is a legitimate endeavor and expenditure by Bonneville pursuant to the Northwest Power Act. We do, however, find that the need to conduct the EMAP activity in the project as not essential to its successful implementation and agree with the ISRP on the pilot nature of EMAP in the Columbia Plateau. Though ISRP endorsed the use of EMAP in this project, the Council does not recommend funding that component at this time and would await results of the EMAP portion of 199405400 as proposed and approved in the Columbia Plateau before expanding that aspect to the Blue Mountains.

The Council recommends a budget increase of \$241,371 for Fiscal Year 2002.

**Grande Ronde Issue 6: NE Oregon Wildlife Mitigation - "Precious Lands" (Project 199608000); "Precious Lands" Habitat Expansion (Project 27023); Securing Wildlife Mitigation Sites - Ladd Marsh (Project 20002100)**

**Council Recommendation:** The three projects are grouped together because they present essentially the same set of issues. Project 199608000 represents The Nez Perce Tribe's ongoing operations and maintenance and a new monitoring and evaluation component for the Precious Lands wildlife mitigation project. Project 27023 is a new project seeking to expand the Precious Lands wildlife mitigation by 5000 acres. The Nez Perce Tribe has voluntarily downsized project 27023 from its original scope of a 16,500-acre acquisition. ODFW proposed Project 20002100 as both ongoing operations and maintenance of the existing Ladd Marsh mitigation area and an expansion of that area.

ISRP recommended Fund in Part to complete a management plan on both ongoing projects. Without a management plan and monitoring and evaluation plan, ISRP believed long-term funding could not be justified and the projects were not amenable to scientific review. ISRP supported the Precious Lands expansion and commented favorably on the Ladd Marsh expansion as justified. Bonneville echoed the ISRP comments on the development of a management plan as part of their conditional funding recommendation on the ongoing aspects of Precious Lands and Ladd Marsh. Bonneville, however, could not support the expansion of either property citing "future funding of wildlife mitigation in this area will be contingent upon resolution of wildlife crediting issues. It appears that there are no further construction/inundation credits available to be applied against this proposed project."

The Council supports funding these ongoing projects. ODFW has indicated they are in the process of developing a management plan for the Ladd Marsh area and that the management plan will justify the request for additional dollars above the FY01 base budget for operations and maintenance and monitoring and evaluation. Similarly, the Nez Perce Tribe have not completed their management plan, but are in the stages of developing that plan. They have requested new money to enhance the monitoring and evaluation component of 199608000, which should help

address ISRP concerns about the overall M&E aspects of the project. The Council would recommend these management plans should be completed within the first year of the funding cycle and should receive ISRP review, but activities in FY02 should go forward on these projects prior to completion of the management plan. Requiring a management plan prior to securing the habitat is at odds with past Council practice in implementing these types of projects. Rather, the Council expects a project sponsor to articulate why a particular piece of property if immediately protected, and eventually enhanced, would contribute to meeting program goals. If that showing is made, the Council has supported the project, and left the development and review of a management plan to the sponsor and Bonneville as a contracting condition.

ISRP emphasized numerous contracting issues in which it questioned specific cost elements of the proposed work in project 199608000. Specific questions of ISRP and some Council staff relate to the fencing costs associated with the project, justification for a full time manager, and expenditures on NPT offices as an element of indirect cost. Both ISRP and the Council would recommend that the sponsor and Bonneville address these elements through contracting.

Expansion of both properties appears justified. Bonneville's website lists the Lower Snake projects, where wildlife credits would be applied for these projects, standing at 52 percent mitigated. Discussions with Bonneville staff indicate that not all projects credited to the Lower Snake projects have received an accounting. The projects Bonneville notes as still outstanding would not appear to account for 48 percent of the mitigation for the Lower Snake projects. Both Precious Lands and Ladd Marsh would represent high quality habitat that would enhance the value wildlife mitigation credited against the Lower Snake projects and we believe available under the Council's fish and wildlife program. The areas to be acquired are modest, and almost certainly within the remaining crediting that is available.

#### **Grande Ronde Issue 7: CTUIR Grande Ronde Subbasin Restoration (199608300)**

**Council Recommendation:** The Confederated Tribes of the Umatilla Indian Reservation propose this ongoing project to restore habitat in McCoy Creek, Meadow Creek and Longley Meadows in the Grande Ronde. The Umatillas requested additional money above the base to substitute for money usually received from the Grande Ronde Model Watershed for some construction/implementation activities. The Umatilla request would represent an increase in Fiscal Year 2002 of \$65,580 over the Fiscal Year 2001 plus 3.4 percent base budget.

ISRP supported the project as a strong proposal that emphasized passive restoration techniques. Bonneville supported the project as implementation of RPA 153. NMFS characterized 199608300 as a BASE project.

The Council agrees that the increased funding for the project should help implement Biological Opinion responsibilities, which is important under the Council's general funding considerations.

#### **Grande Ronde Issue 8: Grande Ronde Supplementation: Lostine River O&M and M&E (Project 199800702)**

**Council Recommendation:** Project 199800702 operates adult trapping and juvenile acclimation facilities and conducts monitoring and evaluation in the Lostine River to implement the Lostine component of the Grande Ronde Basin Endemic Spring Chinook Supplementation Program (GRESB). The Nez Perce requested additional funds above the base of FY01 approval plus 3.4% to enhance the monitoring and evaluation component by collecting and analyzing additional juvenile performance data (through marking and tagging), gathering additional adult data (through weir counts and spawning ground surveys) and performing additional analysis of on increased natural production of 2001 brood year fish. Those additional funding needs were forecast for the out-years.

Both NMFS and Bonneville consider the project part of the BASE for Biological Opinion implementation. The Council supports the request for additional funds and recommends increasing the Fiscal Year 2002 budget by \$50,108 over the base budget.

### **Grande Ronde Issue 9: Captive Broodstock Artificial Propagation (Project 199801006)**

**Council Recommendation:** The Nez Perce project implements and evaluates the captive broodstock program through the collection of juvenile salmon from the wild and maintaining them in captivity and releasing the subsequent generation in the wild. The project sponsors sought additional funds above the FY01 base to provide additional staffing for the captive spawning and evaluation of increasingly larger data sets.

ISRP supported the project but made the following observation: "The comparison of natural, conventional, and captive brood production will obviously be based on the extensive use of PIT tags in many of the proposals reviewed. Have the co-managers considered the adequacy of marking rates to compare these three types of spring chinook production, and if so, what level of difference in performance may be detectable?" Bonneville echoed these comments, but supported the project as fundable. NMFS considered the project as BASE for Biological Opinion implementation.

This project is subject to programmatic issue 12. The Council has provided guidance and conditions for funding these types of projects for several years. The Council established general conditions on its funding recommendations for these types of projects in its Fiscal Year 2000 recommendations that remain applicable. The above project, and others (Salmon issue 1) that may be developed: (1) should be funded only to maintain the scope and intensity of existing, previously Council recommended, activities until a basinwide prioritization of target populations and programs is developed (no expansion or new starts); (2) must demonstrate how they are consistent with the policies and standards in the Artificial Production Review report of 2000; (3) must address the project specific issues raised by the ISRP Mountain Snake Province Review Recommendations (2001 12-A); document how the projects address the elements of *Captive Propagation Technology in Recovery of Anadromous Salmonids Listed Under the Endangered Species Act* (NMFS 1999), outlining steps that sponsors should proceed through when sponsoring a captive propagation initiative.

The Council supports the request for the additional funding. Because the additional funds are for tasks and objectives that are within the existing scope, the Council is able to recommend them under the programmatic issue conditions. The Council recommends increasing the budget for Fiscal Year 2002 by \$14,330 over the base budget. The Council believes that the sponsor should address the ISRP project-specific question on marking rates, as well as the programmatic issues related to consistency the APR and the NMFS Captive propagation document (NMFS 1999) in its the submission of the M&E phase for the Northeast Oregon Hatchery as part of its three-step review (see Grande Ronde Issue 2).

### **Grande Ronde Issue 10: Oregon Plan Fish Screening/Fish Passage (Project 27018)**

**Council Recommendation:** The new ODFW project would screen six diversions that are not in compliance with NMFS standards. ISRP supported the project, but thought it stopped short by screening only six diversions. Both Bonneville and NMFS supported the project, though NMFS pointed out that the Grande Ronde is not a priority subbasin, so the project does not directly implement RPA 149. The Council and Bonneville also note the cost share features of the project. The Council recommends funding the project.

### **Grande Ronde Issue 11: Wallowa County Culvert Inventory (Project 27022)**

**Council Recommendation:** Project 27022 sponsors would conduct culvert surveys on federal, state and private lands to prioritize culverts that would need repair or replacement to address fish passage in the Grande Ronde. Bonneville commented that the project should await subbasin planning and that it implicated Bonneville's funding policy on federal lands.

The Council believes the project provides useful information in the development of subbasin assessments by inventorying passage problems in the subbasin. If dealing with passage impediments is one of the strategies that will be included in a subbasin plan, and it is fair to believe that it will be, this work will prove valuable for both assessment and implementation sections of the plan

The Council further believes holding the project in abeyance prior to the adoption of a federal lands funding policy is not compelling as discussed in the programmatic issues above

## **Imnaha Subbasin**

The Imnaha River subbasin is located in the extreme northeast corner of Oregon and drains an area of 980 square miles. The mainstem is formed by the juncture of the North and South Forks at an elevation of 5,300 feet and flows in a northerly direction for approximately 63.5 miles to its confluence with the Snake River at Snake River Mile 191.7. The basin ranges in elevation from nearly 10,000 feet in the headwaters area to 945 feet at the confluence with the Snake.

Although several spring-fed tributaries occur in the subbasin, the Imnaha hydrology is primarily snow-melt dominated. Forest and grassland cover more than 85 percent of the Imnaha

basin. Some plant communities in the subbasin cover little area but have great significance because of high species diversity and the importance to wildlife or their function in the larger ecosystem. Riparian vegetation communities in the subbasin are diverse.

There are currently 22 native and nine exotic fish species inhabiting the Imnaha subbasin. Naturally occurring anadromous species include spring/summer and fall chinook salmon, summer steelhead, and Pacific lamprey. Naturally reproducing Imnaha chinook populations are listed by the National Marine Fisheries Service as threatened. Similarly, wild Snake River summer steelhead are listed as threatened. Pacific lamprey are a federally listed species of concern but are considered extinct in the Imnaha subbasin. However, there is likely a population of the non-anadromous brook lamprey in portions of the subbasin.

Returns of natural origin spring/summer chinook (not including jacks) have declined to levels below 150 individuals during some years, which is notable because it is estimated that up to 10 percent of the annual escapement of wild Snake River spring/summer chinook salmon are of Imnaha origin. Fall chinook salmon are present in the Imnaha subbasin; however their abundance is significantly reduced from historic levels. The suitability and availability of fall chinook spawning substrate does not appear to be a factor limiting production of the species. Some scientists have suggested that excessively low temperatures may limit embryonic development of Imnaha fall chinook and consequently reduce production, although supporting data is limited. Others suggest that juvenile fish may be swept out of the system during spring runoff. However, this theory is also speculative and currently unfounded.

Non-anadromous salmonids endemic to the Imnaha subbasin include interior redband trout, rainbow trout, bull trout (the Imnaha population is considered to be healthy) and mountain whitefish. Historical accounts of bull trout populations in the Imnaha are limited. Short segments of historic resident bull trout spawning and rearing habitat have been identified in upper Little Sheep Creek and Cabin Creek. White sturgeon, a federally listed species of concern, occasionally utilize lower portions of the mainstem Imnaha. Exotic species such as smallmouth bass also inhabit the subbasin.

As for wildlife, the Imnaha subbasin is inhabited by approximately 12 amphibian species, 19 reptile species, 239 bird species and 69 mammal species. Some of these species, including many of the birds, only reside in the area for short periods of the year during their migration. Most of the wildlife species of the Imnaha subbasin are thought to have healthy and stable populations, but there are many exceptions. Many of the wildlife species within the subbasin need special consideration by managers because of known declining populations or unknown population statuses. More than a dozen endangered, threatened or sensitive species exist within the subbasin. Thirty-eight species in the subbasin are listed or are candidates for listing at the state or federal level.

The subbasin is also home to many valuable game species, including mule and white-tailed deer, Rocky Mountain elk, black bear, cougar, turkey, pheasant, California quail, chukar partridge, Hungarian partridge, forest grouse, snipe and mourning dove. Trapped furbearers include beaver, coyote, mink, muskrat, otter, skunk, raccoon, and weasel.

Bonneville-funded fish and wildlife mitigation activities through the Council's Columbia River Basin Fish and Wildlife Program include mitigation planning, outplanting of fish, law enforcement and fish habitat improvements. These projects have been implemented by a number of parties including local, state, tribal and federal agencies. More specifically, the projects include:

- Monitoring aspects of Lower Snake River Compensation Program (LSRCP) hatchery production performance, natural production status and performance and interactions among hatchery fish and naturally spawned juveniles, and also promoting genetic conservation and contributing to the co-management of the LSRCP program.
- Developing information and indices on spring migration timing, estimated smolt survival, smolt performance and health of wild and hatchery steelhead smolts captured in the Imnaha River from the capture locations to Snake and Columbia River dams.
- Preserving male salmonid gametes through cryogenic techniques in order to maintain genetic diversity in populations with low levels of abundance and at high risk of localized extinction.
- Developing conservation-oriented fish production facilities necessary to implement salmon recovery programs for native, ESA-listed salmon.
- Developing project proposals for Wallowa County's Public Works Department and private landowners that are submitted to the Grande Ronde Model Watershed Program and Oregon Watershed Enhancement Board for funding.
- Continuing to implement the Grande Ronde Model Watershed Program, which has been in the Council's fish and wildlife program since 1992. Major accomplishments of the watershed program include a basinwide assessment in 1993, and an operations/action plan in 1994. The model watershed program, which is administered by a 14-member board of directors, provides coordination of fish and wildlife mitigation efforts in the Grande Ronde and Imnaha subbasins.
- Undertaking general habitat improvements including riparian planting, campground protection, livestock watering improvements and limiting livestock and vehicle access to critical habitat areas.

Implementing projects not funded by Bonneville under the LSRCP program including evaluation of hatchery effectiveness and research into issues such as life history, genetics, supplementation, hatchery/wild fish interactions, natural escapement, smolt migration and survival, fish production and productivity and fisheries restoration.

### **Imnaha Issue 1: Imnaha Smolt Survival and Smolt to Adult Return Rate Quantification (Project 199701501)**

**Council recommendation:** The ongoing project will quantify the juvenile emigrant abundance and determine smolt survival of Chinook from the Imnaha to Lower Granite and McNary dams. The Nez Perce recommended prioritizing the new work associated with this ongoing monitoring project, planning and constructing a permanent emigrant trap on the Imnaha for year-round sampling of Chinook emigrants. NMFS noted the benefits were indirect, but called the project a "good proposal that generates necessary data to assess the overall population behavior in the

basin.” Bonneville supported funding the ongoing project at its current level and assessing new objects following the development of a regional RM&E plan.

Although the project presents a compelling case for the new work proposed to develop a permanent monitoring facility on the Imnaha, the Council believes the proposal is a bit premature at this time. The Nez Perce are currently developing a Monitoring and Evaluation Master Plan as part of the Northeast Oregon Hatchery Master Plan. The Council feels the submission of that M&E Master Plan would constitute the proper time to address the monitoring and evaluation needs of projects that have a close association with NEOH. The Council recommendation to hold this project at its current scope and review it following the completion and submission of the NEOH step reviews (Grande Ronde Issue 2) is generally consistent with Bonneville's comments.

### **Imnaha Issue 2: Bull Trout Population Assessment and Life History Characteristics (Project 27017)**

**Council Recommendation:** The US Fish and Wildlife Service project proposes new work to assess bull trout population density, abundance and life history characteristics in the Imnaha. The ISRP viewed the work as largely experimental in nature to test and develop methods of stock assessments never tried on bull trout populations. The nature of these new methods warranted a pilot study approach according to ISRP and they gave the project a Fundable In Part recommendation to proceed testing methodologies on one tributary rather than the four tributaries proposed in the project.

Bonneville rated the proposal as not fundable at this time, stating the actions proposed did not relate to a specific RPM in the USFWS Biological Opinion on Bull Trout and that “Most, if not all of this work, is in the tributaries and not the mainstem.” The Fish and Wildlife Service commented in a letter to the Council that the project “will help implement reasonable and prudent measure 10.A.3.1 and terms and conditions 11.1 and 11.A.3.1.a-f in the FCRPS BO.” Those aspects of the Biological Opinion relate to the use of the Lower Snake reservoirs by bull trout and the counting and determining presence and size of populations of bull trout in the four Lower Snake reservoirs.

As discussed in the general issue on bull trout projects, the Council recognizes the apparent dispute between the Service and Bonneville on the implementation of the Biological Opinion on bull trout. We would prioritize the work proposed in this new project as an element of the fish and wildlife program responsibilities, leaving for the discussions between the Service, Bonneville, the Council and other interested parties the ultimate implementation of the bull trout Biological Opinion. The Council agrees with the ISRP that the project should be limited to a pilot study to determine the effectiveness of its assessment methodologies and approaches. Thus, as presented in the budget tables, we significantly reduce the proposed budget to a pilot study scale.

Keeping in line with Council policy to disfavor additional substantial assessment work prior to subbasin planning, the Council would recommend not funding Construction/Implementation task 2.1 and Monitoring and Evaluation task 2.1. The Council

would recommend funding the other proposed tasks, but keeping the scale of the study confined to one creek, rather than the four proposed by the project sponsors.

### **Innaha Issue 3: Adult Steelhead Status Monitoring (Project 27021)**

**Council Recommendation:** The Nez Perce proposed this new project to conduct a steelhead stock assessment on all tributaries in the Innaha to quantify adult abundance, population growth rate and genetic stock structure. Although ISRP found the project Fundable, they expressed concern over the potential weiring of all streams in the Innaha to conduct the assessment and cautioned that random sampling may be preferential to weiring.

NMFS felt the project offered indirect benefits to the Biological Opinion, but noted that the project represented an "important pilot project for steelhead monitoring." Bonneville rated the project as a conditional fund, recommending funding only objective 2, the development of a resistivity counter on Lightning Creek at this time and waiting for the development of a regional RM&E plan for potential funding of the remainder of the project.

The Council agrees with the Bonneville comments on funding only Objective 2 of the proposal. The monitoring and evaluation proposed in the project closely align with the development of the NEOH Monitoring and Evaluation Master Plan. Similar to the reasons discussed in Project 199701501, much of the work proposed in Project 27021 is premature and should await the development and approval of the M&E Master Plan for NEOH. Objective 2 will provide important information for Biological Opinion needs and should precede the Master Plan. The balance of the tasks proposed in Project 27021 should be reviewed and evaluated following the approval of the NEOH step reviews (Grande Ronde Issue 2).

### **Snake Hells Canyon Subbasin**

The Snake Hells Canyon Subbasin includes the mainstem of the Snake River and the small tributaries that flow into it from Hells Canyon Dam to the mouth of the Clearwater River at Lewiston, a length of 109 miles (River Mile 247 to River Mile 138). The subbasin contains 924 square miles, or 591,519 acres. About 58 percent of this area is in Idaho, 28 percent is in Oregon and the remaining 14 percent is in Washington.

The subbasin contains parts of five counties: Adams, Idaho, and Nez Perce in Idaho; Asotin in Washington; and Wallowa in Oregon. The lower portion of the subbasin contains the town of Asotin and portions of Clarkston and Lewiston; the remainder of the subbasin is either rural or undeveloped.

The middle Snake River is currently inhabited by at least 30 species of fish, 23 of which are endemic to the region. Four species currently are under jurisdiction of the National Marine Fisheries Service (NMFS) because of listing under the Endangered Species Act. These include Snake River fall chinook salmon and spring/summer chinook salmon, Snake River sockeye salmon and Snake River summer steelhead. Bull trout, a threatened species under the jurisdiction of the U. S. Fish and Wildlife Service, also are present in the subbasin.

Fall chinook populations in the Snake Hells Canyon subbasin currently are considered to be depressed but are showing considerable improvement following restoration efforts. Spring chinook salmon historically were widely distributed, in the subbasin, but today the number of naturally spawning spring/summer chinook salmon in the subbasin is at an all-time low and the overall trend is downward.

Below the confluence with the Salmon River, Asotin Creek is the only tributary stream used by chinook salmon for spawning, while a limited amount of rearing may occur in lower reaches of some of the larger tributaries, such as Captain John Creek. Above the Salmon confluence, Granite and Sheep creeks are the only tributaries used for spawning, albeit very minimally. Limited juvenile rearing may occur in lower tributaries when stream conditions are suitable. Steelhead occurring in the Snake Hells Canyon subbasin are typical A-run fish from the mid-Columbia and Snake basins. Most adults – about 60 percent -- return from the ocean after one year of marine rearing.

The complex topography, varied soil conditions, and diverse vegetative communities of the Snake Hells Canyon subbasin make it an ideal home for a large number of wildlife species. A total of 269 vertebrate species other than fish were thought to occur within the Snake Hells Canyon subbasin during all or part of the year including 179 bird, 66 mammal, 10 amphibian and 14 reptile species. Most of the wildlife species of the Snake Hells Canyon subbasin are thought to have healthy and stable populations, but there are many exceptions. Of the 269 non-fish vertebrate species in the subbasin, 43 are special-status species in Idaho, Oregon, or Washington; or are listed by the U. S. Fish and Wildlife Service, U.S. Forest Service and/or Bureau of Land Management. The composition of the wildlife community has been altered since the historic period. Some native species, including marten, sharp-tailed grouse, and white-tailed jackrabbits have been, or may have been extirpated from the subbasin. Wild turkey, chukar, gray partridge, European starlings and bull frogs have been introduced to the subbasin either intentionally or unintentionally and have become well-established.

Past Bonneville-funded mitigation efforts for fish and wildlife in this subbasin include:

- Acquisition of land and creation of the Craig Mountain Wildlife Management Area on the Idaho side of the Snake River. Grassland and forest restoration efforts and noxious weed control are ongoing in the management area.
- Planning and construction activities associated with the Nez Perce Tribal Hatchery.
- Projects that address temperature and sedimentation in agricultural lands on the Washington side of the river.
- The Idaho Supplementation Studies (ISS) and the Idaho Department of Fish and Game's Chinook Captive Rearing Program.
- Artificial production of fall chinook and steelhead through the Lower Snake River Compensation Program.

Projects in the subbasin not funded by Bonneville include:

- Artificial production of fall chinook salmon by Idaho Power Company, required as a condition of the utility's Federal Energy Regulatory Commission license to operate the Hells Canyon Complex of three dams on the Snake River.
- The Tammany Creek Public Law-566 Supplemental Watershed Protection Plan/Environmental Assessment, developed by the Idaho office of the Natural Resources Conservation Service. This effort supplements the original Tammany Creek Watershed Protection Plan/Environmental Assessment completed in 1986 and currently under implementation. The project encompasses 34,160 acres in Nez Perce County, Idaho.
- In the Washington portion of the subbasin, riparian projects to reduce sedimentation and temperature and improve bank stability, including fencing streams to reduce direct animal pressure on streambanks and allow for natural reproduction of riparian areas; alternative water developments with fencing projects to allow animals to drink without utilizing the stream; and tree planting in areas where instream structures have been installed by the Asotin County Conservation District and where floods or human impacts have devastated the vegetation. Between 1996 and 2000, the District utilized \$33,099 in Washington state funding to install 26,410 feet of riparian fencing. Alternative water developments and riparian revegetation projects have been identified by landowners and the District to be implemented beginning in 2001. Currently, the District is working with landowners in the headwaters of Ten Mile and Couse Creeks to reduce sedimentation through Best Management Practices. Ten Mile and Couse Creeks lie outside the Asotin Creek watershed boundary and have not benefited from Bonneville funding.
- USDA-sponsored programs, including enrolling 26,793 acres of marginal crop and pasture lands in the Conservation Reserve Program. The Environment Quality Incentives Program, targeted to the uplands, has also proven to be a popular program. The majority of funds have been used to seed an additional 1,522 acres over five years. Other projects implemented through this program include grassed waterways, sediment basins and pasture/hayland planting.

### **Snake Hells Canyon Issue 1: Monitor and Evaluate Yearling Snake River Fall Chinook (Project 199801004)**

**Council recommendation:** ISRP rated this ongoing Nez Perce monitoring project as Not Fundable. The ISRP noted: "The ISRP clearly recognizes the need to continue these types of assessments, but on the basis of this proposal, the ISRP cannot conclude a sound scientific program is in place...Nevertheless, this monitoring needs to continue, so further clarification is requested." The scientists then posed four specific areas they wished the project sponsors to address and clarify. Bonneville recommended funding the project conditioned on the receipt of a "detailed and comprehensive research plan to be submitted for independent scientific review. Project review will consider the necessity of all proposed objectives/tasks." NMFS rated the project as "a good proposal."

The Council believes there are compelling policy reasons to fund the project and agrees with ISRP and Bonneville that the project needs to continue. The Council understands that the Nez Perce have submitted a response to the ISRP's questions and concerns outlined in the ISRP Final Review. We recommend conditioning the funding on the ISRP's satisfaction that the project sponsors have addressed ISRP concerns, and recommend that the ISRP be directed to

proceed with its review of the Nez Perce response. The project would be held to the FY01 plus 3.4 percent level.

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## **Mountain Snake Province Project Specific Issues**

### **Clearwater Subbasin**

The Clearwater Subbasin is located in north central Idaho in the northwestern portion of the continental United States. It is a region of mountains, plateaus, and deep canyons within the Northern Rocky Mountain geographic province.

There are four major tributaries that drain into the mainstem Clearwater River: the Lochsa, Selway, South Fork Clearwater, and North Fork Clearwater rivers. The mouth of the Clearwater is located on the Washington–Idaho border in the town of Lewiston, Idaho where it enters the Snake River 139 river miles upstream of the Columbia River. Dworshak Dam, located two miles above the mouth of the North Fork Clearwater River, is the only major water regulating facility in the subbasin. It was constructed in 1972 and eliminated access to one of the most productive systems for anadromous fish in the subbasin.

Over 70% of the Clearwater Subbasin is made up of forested communities. Shrublands and grasslands currently make up 12% of the subbasin's vegetation. The majority of the grasslands occur in the foothills and breaklands as canyon bunchgrass communities. These grasslands provide winter range for big game animals, livestock forage, and habitat for unique plant species.

Wetlands and riparian areas cover only a small portion of the subbasin, but offer some of the most diverse and unique habitats available. Wetlands occur as small ponds filled by spring runoff, wet meadows, springs and seeps, bogs, small lakes, and riverine and streamside riparian areas. These areas are important to the ecologic and economic welfare of the subbasin because they provide high quality wildlife habitat, water storage, flood abatement, pollution filtration, livestock forage, and water for domestic use.

There are currently more than 30 species of fish inhabiting the Clearwater Subbasin, including 19 native species, two of which have been reintroduced. Salmonids and cyprinids are most numerous, representing 10 and 6 species, respectively. The subbasin summary focuses on nine fish species: chinook salmon, steelhead trout, coho salmon, pacific lamprey, redband (rainbow trout), westslope cutthroat trout, bull trout, brook trout, and Dworshak Reservoir resident fish.

Ongoing projects include habitat protection and enhancement efforts to restore anadromous fish habitat in a variety of watersheds: Little Canyon Creek, Nichols Canyon, Lolo Creek, and Meadow Creek for example. The Nez Perce Tribe Fisheries Watershed (NPTFW) program has been implementing watershed restoration projects in the subbasin since 1996. The

NPTFW manages restoration projects from a ridgetop-to- ridgetop approach, encompassing all aspects of the watershed. Currently, the NPTFW has eight ongoing restoration projects and four proposed projects within the subbasin. Accomplishments include eliminating grazing from over 12 miles of stream within meadow habitat by constructing over 13 miles of fencing; planting over 5,000 trees within riparian zones; removing 150 miles of failing roads; replacing six barrier culverts; and completing several watershed analyses to direct future work. Among the new projects proposed is a comprehensive monitoring program to evaluate project effectiveness across the subbasin.

Another key ongoing project addresses the need for cross-jurisdictional cooperation. The Clearwater Focus Program, begun in 1997, is coordinated by the Idaho Soil Conservation Commission and the Nez Perce Tribal Fisheries Watershed Division. Coordination efforts address multiple jurisdictions, agencies and private land owner efforts to identify, prioritize, design, implement and monitor projects and policies to protect, restore and enhance fish and wildlife habitat.

Other areas of project focus are monitoring and evaluation of supplementation programs to assess the benefits and effectiveness of these techniques. The Nez Perce Tribe's 1992 project to Evaluate Salmon Supplementation Studies in Idaho Rivers evaluates the usefulness of supplementation as a recovery/restoration strategy for spring and summer chinook salmon.

The subbasin summary includes a list of combined aquatic and terrestrial needs:

1. Develop and implement BMPs on agricultural, mining, grazing, logging and development activities to protect, enhance, and/or restore fish and wildlife habitat, streambank stability, watershed hydrology, and floodplain function.
2. Synthesize historic and existing fish and wildlife resource data to determine what is known about the subbasin, and identify gaps for more efficient and meaningful assessment, monitoring and evaluation work.
3. Develop and implement comprehensive and consistent subbasin databases related to both aquatic and terrestrial resources and establish a centralized data repository. This will promote more effective resource management.
4. Coordinate M&E efforts at the subbasin and provincial scale to maximize effectiveness and minimize redundancy.
5. Continue ongoing, and establish new, monitoring and evaluation programs for fish supplementation, habitat restoration and improvement, habitat baseline conditions, water quality and water quantity improvements, conditions and trends. These M&E activities are critical to evaluating the effectiveness of projects in improving habitat, watershed health and enhancing production of target species.
6. Investigate effects of potential loss or lack of nutrients due to declines in anadromous salmonid populations, and coordinate and evaluate nutrient enhancement alternatives.

7. Complete road inventories and assess impacts to aquatic and terrestrial resources. Use information to facilitate transportation planning and to reduce road densities. Support planned road closures on public land and encourage closure of other roads.
8. Continue and expand the cooperative/shared approach in research, monitoring and evaluation between tribal, federal, state, local and private entities to facilitate restoration and enhancement measures. Protection and restoration of fish and wildlife populations and habitat will not be successful without the interest and commitment by all.
9. Acquire lands when opportunities arise for improved habitat protection, restoration, and connectivity and for mitigation of lost fish and wildlife habitat (land purchases, land trusts, conservation easements, landowner cooperative agreements, exchanges).
10. Protect existing pristine and key fish and wildlife habitats directly threatened by subdivision, recreation, or extractive resource uses.
11. Complete detailed 6th code subwatershed assessments to ground-truth existing regional databases.
12. Support timely updates and resource inventories related to local land use plans to further prevent degradation of floodplains, wetlands, riparian and other sensitive areas.
13. Continue to develop watershed assessments at multiple scales to facilitate integrated resource management and planning efforts.
14. Develop federal recovery plans for threatened and endangered species to provide recovery guidance for state, tribal and local entities as required by law.

**Clearwater issue 1: NPTH and related M&E project (NPT # 198335000; #198335003)**

**Council recommendation:** The Nez Perce Tribal Fish Hatchery (NPTH) has been in the Council's program since 1982. The NPTH was originally conceived to produce juvenile spring chinook and juvenile fall chinook for supplementation of existing populations in the Clearwater River Subbasin. The facilities associated with this project includes a central incubation/rearing/acclimation facility at Allotment 1705, a rearing and adult holding facility at Sweetwater Springs, five satellite acclimation facilities in the Clearwater River Subbasin (Cedar Flats, Luke's Gulch, Newsome Creek, Yoosa/Camp Creek, and North Lapwai Valley).

At the May 17, 2000, meeting in Helena, the Council approved the step-three (Final Design) review for the Nez Perce Tribal Hatchery. While it approved the final designs and recommended that Bonneville fund the construction of the facilities associated with this project, it conditioned the approval based on the following.

- Construction of the facilities associated with this project is not to exceed \$16 million.
- The Council's recommendation for funding of this project is conditioned upon the design and the scope of the project as outlined in the April 28, 2000, decision document. Any significant changes in the design and scope of this project, including changes to the

facilities or production will require additional review by the Council before they are recommended for funding.

- The Council asks Bonneville to establish specific cost reporting requirements for the project contractor. These reports should document the progress of construction against the approved project budget and scope. The Council asks that Bonneville project management staff review reports from the project contractor with Council staff at least quarterly.

To meet the \$16 million construction cap, modifications to the design of the facilities were made to several of the sites. This included the following.

- Lower production numbers ;
- Luke' Gulch, Cedar Flat and Sweetwater Springs will be temporary facilities;
- No permanent weir at Meadow Creek;
- Allotment 1705 reduced size of office space and materials substitution.

The Council was very specific during its deliberation and approval of the step three review of the NPTH. In addition, it qualified any future expansion of the facilities or production to future reviews and approvals. Therefore, the proposed budgets and phases for this project for Fiscal Years 2002 through 2004 were aligned to the Council decision as reviewed and confirmed by the Council on November 1, 2000. The Council's recommended alignment is consistent with the ISRP recommendation to fund only Phase 1 activities at this time. The NMFS and Bonneville comments agree with the ISRP recommendations for these two projects, and support only the production levels that were approved by the Council as part of the step three review.

### **Clearwater Issue 2: Dworshak Dam Impacts Assessment and Fisheries Investigations (IDFG # 198709900)**

**Council recommendation:** This ongoing project evaluates the impacts of draw-downs and routine dam operations on resident fish populations and determines ways to minimize entrainment losses of fish into Dworshak Dam.

The ISRP provided a "fundable in part" recommendation. It recommended that new objectives associated with bull trout entrainment and lake fertilization (Section 4, objective 2, task b & c and Section 7, objective 2, task b & c) be removed and that the project be moved to its concluding phase. BPA provided a rank "A, conditional," proposing to fund only the next phase of ongoing strobe light study (objective 1).

Based on the above reviews and comments, the Council recommends that the project be funded to complete the evaluation component of this project. Council recommends funding for Fiscal Year 2002 through Fiscal Year 2004 as presented in Table 1, to cover completion of the strobe light evaluations under actual operations (objective 1). The Council recommends conditioning this with a requirement that out-year funding for full implementation of a strobe light array at the dam await completion of the evaluation phase.

Evaluation of the strobe lights under actual operating conditions will commence during FY02. It is anticipated that two additional years (FY '03 and '04) of evaluation would occur under different dam-operations scenarios and light arrays, dependent on water-year conditions. The Council recommends that the sponsor be advised that the study is to be completed at this time and is not likely to be extended. Upon completion of the evaluation, a recommendation would be made regarding implementation (whether or not to implement and to what degree) of the strobe light strategy, depending on study results. Future funds would be dependent on the review and approval of this final evaluation report. The Council believes that limited funding in this stepwise manner best protects past investments in this work.

### **Clearwater Issue 3: Red River watershed (IDSWCD # 199303501)**

**Council recommendation:** This ongoing project returns artificially ditched portions of the stream to former meanders, restores riparian vegetation, and excludes livestock from riparian areas. The ISRP notes that these are “generally obvious and well understood” strategies in the salmon habitat restoration field. The Council recommendation is to fund the project at less than the requested amount to focus on operation and maintenance of past work, basic monitoring and evaluation, and limited construction and implementation focused on passive habitat restoration actions and acquisition of key long-term easements. See Table 1 for funding levels. These are the activities that the Bonneville comments support in its “A” conditional rating as well. The Council does not recommend funding additional new watershed assessment related activities (EWAS or other) at this time. Although the ISRP supported new assessment work, the Council believes that this recommendation was provided in light of the substantial new habitat restoration proposed the “active” or intervention-based nature of some of that work. With the reduced scale recommended by the Council, and the emphasis on passive habitat strategies that the ISRP itself noted are obvious and well-understood, Council does not and believe additional assessment work is needed at this time. Additionally, the Council has made a general policy decision to not fund substantial new assessment work in most cases prior to having subbasin planning further developed. NMFS and Bonneville comments suggest that this project may address RPA's 150 and 153.

### **Clearwater Issue 4: Nez Perce Tribe Resident Fish Substitution (NPT # 199501300)**

**Council recommendation:** This ongoing project provides fish harvest opportunities to partially mitigate for anadromous fisheries losses resulting from Dworshak Dam on the North Fork Clearwater River.

The ISRP provided a “fundable in part” recommendation to maintain the fish stocking and identify sites that could produce better results than the present ponds. The ISRP had specific comments regarding this project and requested that the project be funded only after submission of a response that fully addresses ISRP preliminary-review (2001-9) and final review (2001-12A). The Council notes that the ISRP's suggestion that additional site investigation continue is not consistent with the Council's most recent decision regarding this project. During the Council's review of the Fiscal Year 2000 proposal it was determined that the project had changed scope and intent based on the availability of suitable sites. Therefore, in its last review, the Fiscal Year 2000 decision cycle, the Council concurred with the ISRP's recommendation that

this project not be funded for expansion or investigations for expansion, and that it be focused on the O&M of the three existing ponds.

Based on the specific nature of the past Council decisions, the funding for this project is based on the alignment to the existing contracted amount (applied 3.4% rule) to maintain the O&M phase of this project. The sponsor has not provided any compelling new information as to why the Council should revisit the decisions it made when it thoroughly reviewed this project for its Fiscal Year 2000 decision. This funding recommendation is conditioned on the sponsor addressing the ISRP comments and questions in ISRP documents 2001-9 and 2001-12A. Re-initiating the continued search for available sites is not an appropriate task for funding under this recommendation.

**Clearwater Issue 5: Ongoing Nez Perce Tribe Clearwater River habitat projects implemented on federally owned land (NPT 199607702; 199607703; 19960705; 200003400; 200003500; 200003600)**

**Council recommendation:** The Bonneville comments on each of these ongoing Nez Perce tribe habitat projects did not support funding until they are reviewed in light of Bonneville's draft proposed interim policy for funding projects on federally owned land. If this review is not done right away, given that each of these projects are *ongoing projects*, the Bonneville comment could amount to a *defunding* recommendation. Defunding these ongoing projects that were rated as "fundable" by the ISRP and which also remain a priority of the local fish and wildlife managers and interested parties is contrary to two of the general Council approved funding principles (protect the past investment of ongoing projects that have ISRP support; support projects that are supported and coordinated locally). These projects are also responding to the ESA needs outlined in the Action Agency 2002 Implementation Plan, and are a priority under the Council general funding considerations. The Council does not believe that the Bonneville comments should be understood as defunding recommendations. Rather, given the timing of its release, and the lack of notice to project sponsors of the substance of this draft proposed interim policy, the Council believes that these projects should be supported by Bonneville if they demonstrate responsiveness to its primary principles.

For the reasons discussed in the programmatic policy issue regarding draft Bonneville policy, the Council will not accept and use Bonneville's draft policy in a dispositive manner, as written, in making its recommendations on these projects. However, the Council does believe that it is enlightening to do a project-by-project review of the projects on two points: (1) cost-sharing; and (2) connections or relatedness of the habitat work to other Bonneville investments. The Council believes that this would be informative because notwithstanding the rather cumbersome and complex multiple sets of criteria in the proposed Bonneville policy, the issues of cost-share and relationship to other Bonneville investments seem to be the key points. The Council believes that evaluating these projects relative to those two main points is responsive to Bonneville's comments and, depending on the results, should be sufficient to allow these projects to proceed as the Council, Bonneville, and public further discuss the draft interim policy.

- a. 199607702 - Protect and Restore Lolo Creek Watershed: The project is on 50% private and 50% federal land. The sponsor reports a proposed federal cost-share

for FY 02 of \$370,000 matched with an FY 02 request of \$221,013 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 62%.

The sponsor has presented detailed information that shows significant past Bonneville investment in the project area, including habitat work, research, and Nez Perce Tribal Hatchery components. The watershed has also received out-plantings from the Lower Snake River Compensation Program (BPA funded). The Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

- b. 199607703 - Protect and Restore Waw'aatamnima Creek to 'Imnaamatoon Creek Watersheds Analysis Area: The sponsor reports a proposed federal cost-share for FY 02 of \$365,000 matched with an FY02 request of \$413,000 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 47%.

The sponsor has provided detailed information that demonstrates that Bonneville has invested over \$15 million in the project area for actions that include habitat restoration, passage work, research, and artificial production that this proposed work builds upon. The Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

- c. 199607705 - Restore McComas Meadows: The sponsor reports a proposed federal cost-share for FY 02 of \$722,000 matched with an FY02 request of \$332,000 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 70%.

The sponsor has provided detailed information showing that the proposed work builds upon substantial past Bonneville investments including habitat restoration, research, and artificial production actions. The stream is used for varied supplementation initiatives of the Nez Perce tribe, such as out-planting Lower Snake River Compensation Program fish (BPA-funded). The Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

- d. 200003400 - Protect and Restore North Lochsa Face Analysis Area Watersheds: The sponsor reports a proposed federal cost-share for FY 02 of \$219,000 matched with an FY02 request of \$182,507 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 55%.

The sponsor has provided detailed information showing how the proposed work builds upon substantial past Bonneville investments in the project area for habitat work, passage, and research. The Action Agency 2002 Implementation Plan

identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

- e. 200003500 - Rehabilitate Newsome Creek Watershed (S.F. Clearwater R.): The sponsor reports a proposed federal cost-share for FY 02 of \$ 136,000 matched with an FY02 request of \$287,732 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 32%.

The sponsor has provided detailed information showing how the proposed work builds on past Bonneville investments in the project area for habitat restoration, research, and out-planting for Bonneville funded Lower Snake River Compensation Program (BPA funded) fish. The Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

- f. 200003600 - Protect and Restore Mill Creek: The sponsor reports a proposed federal cost-share for FY 02 of \$ 45,000 matched with an FY02 request of \$ 74,915 in Bonneville funds. This amounts to an approximate non-Bonneville cost-share of 38 %.

The sponsor has provided detailed information showing how the propose work relates to and builds upon past Bonneville investments. Bonneville has funded habitat restoration and monitoring work, and the watershed is involved in Nez Perce Tribe and Lower Snake River Compensation Program production initiatives (both BPA funded). The Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in Fiscal Year 2002 to address habitat elements of the off-site mitigation component of the Biological Opinion.

Four of the projects budgets are held to the general rule of a 3.4% increase to the Council's Fiscal Year 2001 recommended budgets. Project 199607705 is recommended to receive a substantial increase. The watershed scale assessment has been completed for this project, and the additional funding is recommended to move to the next logical and planned step, which is to implement the restoration strategies in light of the assessment. Project 200003500 has a substantial budget decrease from the Fiscal Year 2001 approved amount, and the Council recommends that lower amount. See Table 1 for all of the budget impact specifics. The Council recommends that the sponsor and Bonneville document, as a condition of contracting, how the sponsors will monitor and report on the effectiveness of these activities.

**Clearwater Issue 6: Protect and Restore Big Canyon Creek Watershed (NPT # 199901600; Nez Perce SWCD # 199901500)**

**Council recommendation:** The ISRP rated these ongoing projects as not fundable. Much of its critical comment was directed at the watershed assessment approach that the sponsors indicate was modeled after the state of Oregon Watershed Assessment Manual (OWAM). The ISRP takes

issue with the utility of the OWAM as an assessment tool, at least as applied here. The Council finds these comments difficult to evaluate, as the ISRP seemed to find the OWAM assessment beneficial in its review of Hood River subbasin work in the Columbia Gorge Province. In regional prioritization discussions the sponsor also questioned the ISRP comments about absence of linkages to anadromous or resident fish. The sponsors state that Big Canyon creek is the top producer of listed A-run steelhead (listed under ESA) in the lower Clearwater subbasin, and that the assessment information and presentations during the provincial review addressed this. The ISRP's concerns about monitoring and evaluation are the same as those for nearly all of the habitat projects in the Mountain Snake and Blue Mountain province. As a whole, the Council is has a difficult time shaping recommendations that respond to the ISRP's comments that seem to focus on general watershed assessment methodology issues, rather than deficiencies with the projects themselves.

Bonneville comment focuses on a desire to have the Nez Perce project evaluated relative to its draft proposed interim policy for funding projects on federally owned lands. This project is not on federally owned land. The sponsor reports that 96% of the watershed is on private land, and 4% on BLM land. No activities are proposed on the BLM land. Bonneville's only other comment is that the work should be "deferred" until after subbasin planning without further explanation why or how subbasin planning will change the way that the sponsors or local groups who support this work will likely change. The Council notes that deferring an ongoing project is tantamount to a defunding recommendation. The Council also notes that the Action Agency 2002 Implementation Plan identifies this project as one of the habitat projects that will be implemented in FY 2002 to address the off-site mitigation component of the Biological Opinion.

These are ongoing proposals focused on implementation of habitat restoration based on a completed assessment. They have an ESA connection to the 2002 Implementation Plan. The work continues to be a priority of the province prioritization group. The watershed is associated with a nearby acclimation facility that is being funded by Bonneville (#199801005). The Council recommends that these ongoing projects continue to be funded in the amounts set out in Table 1. The Council also recommends that as a condition of this approval that the sponsor submit additional information to the ISRP that: (1) demonstrates the linkage of the activities proposed in these projects to anadromous and/or resident fish; (2) provides information regarding the potential of the treatment streams to produce steelhead; (3) explains how or why the dewatering of a portion of the stream will or will not act as a factor that severely limits the potential for success of the proposed activities; (4) how monitoring and evaluation will be conducted to measure the effectiveness of improving habitat conditions that result in fisheries benefits. The Council recommends that the ISRP review this information and report to the Council and sponsor on these specific issues. Because these are ongoing field-based projects, the Council recommends that the ISRP review occur concurrently with the implementation of the proposals FY 02 activities.

**Clearwater Issue 7: Nez Perce Tribe Clearwater focus watershed program (NPT # 199706000)**

**Council recommendation:** This is primarily a coordination project that guides the Nez Perce habitat protection and restoration implementation related efforts in the Clearwater and also

coordinates those with related state efforts. This is an ongoing project rated as fundable and it continues to be a priority within the province group. The Council expects that the functions performed through this contract will be very valuable in the upcoming subbasin planning exercise (the same is true for the state companion project). All of these factors support funding the proposal at the general Fiscal Year 2001 plus 3.4% level.

The sole issue to be addressed comes from Bonneville's comments that note that watershed assessment activities should perhaps not be funded at this time. The Council does not concur with the Bonneville comment to eliminate watershed assessment funding in this particular instance. This is not a new assessment effort. The funding and actions proposed are to complete an assessment that was previously approved by a specific Council action with Bonneville concurrence. (There were implementation task funds in several projects reprogrammed to complete this assessment). The Council believes that the assessment tasks proposed should be completed to maximize past investment, position for subbasin planning, and respond to RPAs 152 and 154 (the last point based on NMFS and Bonneville comments). The Council recommends that the sponsor consider the ISRP's comments about coordinating the monitoring and evaluation elements of the projects that are coordinated under this project, and the suggestion about enlisting the expertise of a biometrician in doing so.

#### **Clearwater Issue 8: Protect and Restore Lapwai Creek watershed (NPT # 199901700)**

**Council recommendation:** Council recommends funding this proposal at the full amount (\$436,000 in FY02) requested rather than holding it to a 3.4% increase. The project has a completed watershed assessment, is linked to Bonneville funded artificial production initiatives, and the ISRP said this may be the highest priority project in the entire Lower Clearwater River. The ISRP agrees with the sponsors of the importance of the work saying that the "Lapwai Creek system has a great potential for increasing anadromous smolt production if habitat is restored." Bonneville provided an "A" rating.

#### **Clearwater Issue 9: New habitat projects in the Clearwater subbasin (28047, 28048, 28059.)**

**Council recommendation:** These are three (of the six total) new anadromous fish focused habitat restoration and protection proposals that the Council recommends for funding in the Clearwater basin in this cycle. Each of them was rated as fully "fundable" by the ISRP and high priority by CBFWA. The regional prioritization group for the Mountain Snake province recommends them as priorities. NMFS has noted that all three correspond to RPA 154 in the Biological Opinion (the sponsors suggest that additional RPAs -- 149 and 152 -- are addressed as well). Given the ISRP support, correspondence to a BiOp RPA, and priority given by the local managers and interests, the Council's general funding principles support this new work. The Council recognizes that portions of these projects are for additional watershed assessment type activities, which, as a general rule, the Council is not expanding prior to subbasin planning (the amount dedicated to such work varies for each of the three projects). However, this assessment work builds upon substantial prior assessment work that has been completed within the Clearwater subbasin, and it targets areas that have been deemed priorities for additional assessment in those past subbasin-wide efforts. This prioritization of additional assessment work is precisely what is anticipated to occur in most areas of the Columbia basin during subbasin

planning. Since this prioritization has already been largely accomplished in the Clearwater prior to subbasin planning, the Council does not believe that these focused assessment activities within these projects need to wait for subbasin planning.

The primary issue comes from Bonneville's comments. Bonneville's comments note that the two Nez Perce projects should be evaluated relative to the draft proposed interim policy for funding habitat activities on federally owned land. As noted in the programmatic issues, the Council does not believe that the draft interim policy, as currently written, should be determinative of the Council recommendation in this funding cycle. However, the Council understands the major themes of the draft interim policy to focus on federal cost-share and the relationship to other Bonneville investments, and these two projects address those elements.

For project 28047 (Red River) the sponsor reports a proposed FY 02 cost-share of \$365,000 to match with its FY 02 request for \$95,000 of Bonneville funds. This amounts to an approximate cost-share of 79% for this project in FY 02. The sponsors have provided detailed information of past Bonneville investments in this project area extensive, showing that those investments have spanned several years, varied strategies (including habitat restoration and protection, research, and artificial production initiatives), and total in the millions of dollars.

For project 28048 (Crooked Fork Creek to Colt Killed Area) the sponsor reports a proposed FY 02 cost-share of \$95,000 to match with its FY 02 request for \$174,482 of Bonneville funds. This amounts to an approximate cost-share of 35% in FY 02. The sponsors have provided detailed information of past Bonneville investments in this project area extensive, showing that those investments have spanned several years, varied strategies (including both habitat restoration and protection and artificial production initiatives), and total in the millions of dollars.

For project 28059 (Lapwai Creek Watershed) the sponsor reports a proposed FY 02 cost-share of \$165,000 to match with its FY 02 request for \$ 372,060 of Bonneville funds. This amounts to an approximate cost-share of 31%. It should also be noted that Lapwai Creek is one of the rearing and acclimation sites for NPTH.

### **Clearwater Issue 10: Evaluating Stream Habitat using NPT Watershed Monitoring and Evaluation Plan (NPT # 28045)**

**Council recommendation:** The Council is recommending funding for this new project as one of the few that NMFS states responds to RPA 183 pertaining to monitoring and evaluation. The funding levels are less than requested, and set forth in Table 1.

Although the ISRP had substantial comment on this proposal, none of it was particularly critical in nature. Rather, the ISRP seemed impressed with the proposal's concepts, and spent much time suggesting that the work be coordinated in some way with other similar work taking place in the basin. In addition, this sort of project, which attempts to measure responses to varied habitat restoration strategies is investigated, could be important in advancing the thinking in the province and region on developing tiered monitoring and evaluation, and the ability and desirability of using "index" areas for monitoring and evaluation as opposed to full blown M&E

effort for each project. This is an area that the ISRP has encouraged the region to further explore in past programmatic recommendations.

The Council recommends funding this new ESA related work. The sponsor has agreed to work with the ISRP to develop a more detailed statistical design and to address the ISRP's questions and comments about the choice of "physical habitat parameters" ("category a and b" issues noted) on page 94 of the final ISRP report. The Council recommends that funding proceed to allow the sponsor to proceed with the additional design work and response to the ISRP about the choice of habitat parameters, and that additional implementation activities proceed after the ISRP reports that these issues have been sufficiently resolved.

### **Clearwater Issue 11: Potlatch River Watershed Restoration (Latah SWCD # 28025)**

**Council recommendation:** The Council is recommending that this project be funded to finish a watershed assessment that is partly completed. Again, this is one of those situations that we encounter in the Clearwater subbasin where assessment work is completed or underway, and the Council is recommending support to conclude that work with the expectation that it will expedite successful subbasin planning. The ISRP supported this element of the proposal. NMFS comments provide that this project relates to RPAs 152 and 154 and that the Potlatch River is a priority watershed for steelhead in the Clearwater River. Out-year funding for implementation activities will need to be reviewed, and perhaps adjusted, in light of the assessment and/or subbasin plan.

### **Clearwater Issue 12: Dworshak Integrated Rule Curves (NPT #198740700)**

**Council recommendation:** The Council is recommending that this project be funded for \$95,000 in Fiscal Year 2002 to complete the rule curves and final report (with conditions stated below). This is consistent with Bonneville's comments. The Council notes that it conditioned its funding recommendation for this project in Fiscal Year 2000 on the development of a report and rule curves and providing those products to the Council. It appears that Fiscal Year 2001 funding was provided notwithstanding those conditions not being fully met. The ISRP recommended that the project not be funded. The Council has taken the ISRP's comments into account, but is largely deferring to Bonneville's comments that additional funding is necessary to wrap up work previously funded, and to deliver products. In light of the Council's past record and the funding history, the Council asks Bonneville to confirm that it desires to fund this project for \$95,000 in Fiscal Year 2002. Further, if Bonneville provides that confirmation, the Council recommends that payment on the contract be withheld until all final reports and the rule curves are provided. The Council also recommends that during contracting for Fiscal Year 2002 the sponsor be required to explain in writing what Fiscal Year 2000 and 2001 Bonneville funds were used for.

### **Clearwater Issue 13: Lower Clearwater Habitat Enhancement Project (NPT #28021)**

**Council recommendation:** The Council recommends funding this project at levels dramatically less than originally proposed (see Table 1). This new work is one of the few wildlife habitat proposals presented in this province. The ISRP comments indicate that some of the likely acquisition lands are currently productive habitat. The Council's funding

considerations favor funding new proposals that protect currently productive habitat. While coming from the wildlife division of NPT, this proposal does have linkages to anadromous fish, and would protect habitat in areas important for anadromous fish. The NMFS comments suggest that this project could respond to RPA 153 if implemented to achieve long-term protection in accord with NRCS standards.

Bonneville's comments state that the project is focused on wildlife habitat, and should not be funded because no construction/inundation credits remain for the lower Snake River projects that it would be credited to. The Council notes that there are discrepancies between this written comment, and Bonneville's web site that indicates there are substantial construction credits remaining for those projects. The Council notes that at the dramatically reduced scale that is recommended, it is quite likely that some credits remain available to deal with this project.

The Council recommends that the sponsor target habitat in those areas that have a completed watershed assessment that provides information on fisheries resources, as is suggested by the ISRP, and that this is made a condition of contracting.

#### **Clearwater Issue 14: Nez Perce Tribe Harvest Monitoring (NPT # 28020)**

**Council recommendation:** The project describes the Nez Perce Tribe's efforts to monitor the fisheries currently ongoing. Sampling strategies are designed to provide greater data precision in catch reports, age distribution, and exploitation rates during Nez Perce fishery seasons. Harvest management is intertwined with all Columbia Basin artificial production programs and affects the status of naturally produced stocks as well. The Council's program calls for subbasin plans to deal explicitly with harvest management plans. The Council recommends funding this new project. It is responsive to the program's goals of bringing harvest management considerations into subbasin planning. The ISRP rates it as fundable and calls this information "essential" to stock assessment and management.

#### **Clearwater Issue 15: Idaho Supplementation Studies (Clearwater # 199005500)**

**Council recommendation:** The Council recommends funding for these projects after the ISRP concerns detailed in programmatic issue 10 are addressed. The sponsors are requested to document their responses, and provide them to the Council for ISRP review. If the ISRP concerns are addressed, only previously approved and ongoing objectives should be funded. NMFS comments provide that these projects address RPAs 182 and 184. Bonneville's "A conditional" rating and comments are consistent with the Council recommendation. These proposals are held to funding levels approved by the Council in Fiscal Year 2001 plus 3.4%. The Council also notes that the sponsors need to consider how Johnson Creek will continue to be used in the ISS study as part of its response (see Salmon Issues 7 and 8 below, and Programmatic Issue 10 above).

## Salmon Subbasin

### **Salmon Issue 1: Sockeye and chinook conservation/preservation projects (SBT # 199107100; IDFG/IOSC # 199107200; NMFS # 199204000; IDFG/IOSC # 199700100)**

**Council recommendation:** Artificial production related actions with a conservation or preservation purpose are discussed in programmatic issue 12. The projects listed above are those in the Mountain Snake province that fall within this category. As discussed fully in the programmatic issue discussion, the Council has provided guidance and conditions for funding these types of projects for several years. The Council established general conditions on its funding recommendations for these types of projects in its Fiscal Year 2000 recommendations that remain applicable. The above projects, and others that may be developed: (1) should be funded only to maintain the scope and intensity of existing, previously Council recommended, activities until a basinwide prioritization of target populations and programs is developed (no expansion or new starts); (2) must demonstrate how they are consistent with the policies and standards in the Artificial Production Review report of 2000; (3) must address the project specific issues raised by the ISRP Mountain Snake Province Review Recommendations (2001 12-A); document how the projects address the elements of *Captive Propagation Technology in Recovery of Anadromous Salmonids Listed Under the Endangered Species Act* (NMFS 1999), outlining steps that sponsors should proceed through when sponsoring a captive propagation initiative. Subject to the conditions above, the Council is recommending that these projects be funded at the levels in Table 1.

The land acquisition for project 199204000 is budgeted for Fiscal Year 2004, and should not be consummated prior to addressing the above conditions and getting approval in the Council's 3-step review process.

### **Salmon Issue 2: Safety-Net Artificial Propagation Program (SNAPP) (CRITFC #28061) - this proposal was submitted between the preliminary and final reviews by the ISRP, after the deadline. It is currently being reviewed by the ISRP at the special request of Council staff.**

The above project (#28061) is an integrated version of the following projects that were reviewed as part of the provincial solicitation and review.

- 28012, Four-Step Planning to Identify Safety-Net Projects for Idaho Steelhead (IDFG/IOSC)
- 28015, Benefit/Risk Analysis to Promote Long-Term Persistence of Chinook Salmon in the Middle Fork Salmon River (NPT)
- 28055, Four-Step Safety-Net Plan for Upper Lochsa River B-Run Steelhead (CRITFC)
- 28056, Four-Step Safety-Net Plan for South Fork Salmon River B-Run Steelhead (CRITFC)
- 28057, Four-Step Safety-Net Plan for Lower Salmon River A-Run Steelhead (CRITFC)

**Council recommendation:** The ISRP provided a “do not fund” recommendation for projects #28012, #28015, #28055, #28056, and #28057. The ISRP stated that these new artificial production actions need to be well coordinated, scientifically sound, and consistent with NMFS's effort post-Hogan and the Council's subbasin planning effort. The ISRP stated that the above proposals were not described adequately, lacked standard approaches, and reached no agreement regarding viability analysis. The ISRP, as emphasized that “intervention” should include a wide spectrum of management activities including harvest management, habitat restoration, as well as artificial production.

The ISRP is currently reviewing the integrated SNAPP proposal (#28061). Programmatic Issue 9 relates specifically to ESA-based artificial production initiatives for at-risk populations and the Biological Opinion “safety-net artificial production program” -- (SNAPP). As described in the programmatic recommendation, this project, and others that may be developed, need to: (1) explicitly identify the factors causing the decline and currently limiting the population and what actions are being taken to address those; (2) develop a decision-tree that allows for a transparent evaluation of the interventions and includes an “exit strategy” for successful and unsuccessful evaluations; (3) explicitly demonstrate how the initiatives are consistent with the Artificial Production Report of 2000, and will participate in the Artificial Production Review and Evaluation currently underway.

The Council understands that Bonneville views this proposal as critical to meeting its BiOp requirements. That being the case, Bonneville is likely to fund the proposal even if the ISRP recommendations continue to be critical of the program. The Council recommends that Bonneville funding be guided by the conditions outlined above and in programmatic issue 9, as well as the recommendations that are made in the ISRP's forthcoming recommendations for the project. The Council recommends that Bonneville contracting actions document how those conditions are addressed.

**Salmon Issue 3: Upper Salmon basin watershed project (ISCC/IOSC #199202603; #28036; #28037; #28038; #28039; #28040)**

**Council recommendation:** The ISRP reviewed project 199202603 and the five proposals with new project numbers as a package (these are not new projects, they represent ongoing activities that had been restructured with new project numbers -- this is discussed further below). The ISRP found the administrative and implementation support objectives of project 199202603 fundable. The objective of this project is to maintain, enhance, and restore anadromous and resident fish habitat while achieving and maintaining a balance between resource protection and resource use on a holistic watershed management basis. This project serves as the coordinating entity for fish habitat maintenance and enhancement priorities established in the Upper Salmon model watershed plan. The project is coordinated through the Idaho Soil Conservation Commission with the Custer and Lemhi Soil and Water Conservation Districts. The program utilizes a local advisory committee representing private, state, and local land managers and other interests, with a technical advisory team assisting with prioritizing on-the-ground projects.

The five “sub-projects” within this package received a “not fundable” recommendation. This collection of proposals contemplated a significant expansion of scope, intensity, and type of

activities beyond what had been ongoing in past years. The proposed program would have expanded to over \$12 million dollars for Fiscal Year 2002 alone. The ISRP's comments clearly show that it was not comfortable with the significant expansion contemplated for the Upper Salmon River subbasin SWCD program. The ISRP comments reveal that such a substantial expansion could not be scientifically justified without further assessment and planning.

Council staff met with the sponsors, Bonneville staff, and other interests associated with the proposals to evaluate the ISRP comments as well as the Council's general funding considerations. During those discussions the group noted that the ISRP's preliminary report was actually quite supportive of the scope, intensity level, and type of work that had been conducted in the Upper Salmon in past years. The ISRP's preliminary report stated:

The fencing projects, screening projects, and some additional actions in the watershed appear warranted and will likely benefit fish. The past actions on fencing the creeks and letting the streams restore themselves without planting or channel modification are justified for those sites. However, the set of proposals goes beyond "flat-tire" fixes. Consequently, the program needs a well-defined watershed assessment and project prioritization effort with a protocol for sampling projects for effectiveness monitoring.

The sponsors suggested that its Upper Salmon habitat program be scaled back to its previous scope, and to focus on the passive habitat restoration activities that the ISRP determined to be warranted and a benefit to fish. The Council staff agreed that this would be advisable in light of the ISRP recommendations, and staff supports the projects that have been reconfigured in that light. This work continues to be an extremely high priority for the state, managers, and interested parties in the subbasin, and within the province as a whole.

Bonneville comments provided an "A" rating for the administrative project and for each of the five sub-proposals. Bonneville's "A" ranking for the five sub-proposals was conditioned on limiting the scope and nature of the activities to essentially those supported by the ISRP's Preliminary Report recommendations, including riparian easements, riparian exclusion fencing, irrigation diversion consolidation or elimination, and fish passage barrier removal.

In previous funding cycles the Custer and Lemhi Soil and Water Conservation Districts implemented their habitat restoration projects under the following four projects (Administrative #199202603, Habitat #199401700, Passage #199306200, Upper Salmon #199600700). In response to Bonneville staff suggestions, as part of the Mountain Snake project proposal solicitation, the sponsor realigned these projects into one ongoing project (Administrative 199202603) and divided the implementation related work into five separate proposals with new project numbers (Lemhi 28037, Middle Salmon - Panther 28039, Pahsimeroi 28036, East Fork 28038, Upper Salmon 28040). One of the main reasons for this reconfiguration was to better accommodate the proposed substantial expansion in the scope, intensity, and nature of the work. After discussions with the sponsor and scaling back the scope of work in light of ISRP and Bonneville comments, it was agreed that the ongoing work would be better managed with two contracts.

The Council recommends that this work be accomplished through two contracts. The first is ongoing administrative contract #199202603. It should be used to administer funds for the Watershed office. The previously existing habitat project contract #199401700 should be used to administer funds between the Custer and Lemhi Soil and Water Conservation Districts for the on-the-ground project implementation elements that are described in projects # 28036, #28037, #28038, #28039, , and #28040. That contract funding level for 199401700 is the total of the funding recommendations for each of the sub-projects as presented in Table 1. The apportionment of the funds to the various watershed areas can also be determined from the Table 1. funding summary.

#### **Salmon Issue 4: Twelvemile Reach habitat restoration (Custer SWCD/IOSC # 199901900)**

**Council recommendation:** The ISRP provided a “fundable in part” recommendation for the study of the importance of temperature as the potential limiting factor in the proposed study reach and to pursue passive activities such as purchase of priority easements and fencing projects. The Council recommends funding this ongoing work at the levels presented in Table 1, which is substantially reduced from the sponsor’s request.

The sponsor has responded to the Council’s general funding level guidance and adjusted its budget to reflect Fiscal Year 2001 level, plus 3.4%. Though this project is located in the Upper Salmon, it is dependent on a 65% cost share from the U.S. Army Corps of Engineers. Tracking the cost share funding would be extremely difficult if funds were intermingled with the Upper Salmon Basin Watershed Project budget (see above), so the Council recommends that it be dealt with separately. Although the Upper Salmon Basin Watershed Project office has provided some level of support through various members of the Watershed Technical Team and most recently time dedicated from an USBWP Planner, administrative support and project management has been provided through the Custer Soil and Water Conservation District Office. This Project Budget cannot be merged with the other Upper Salmon Basin Watershed Project Budgets.

Bonneville provided a “ A conditional” for this project, supporting the same sort of passive habitat restoration activities that it supported for the other Upper Salmon River SWCD proposals. The Council recommendation is consistent with Bonneville’s comments.

#### **Salmon Issue 5: Chinook salmon adult abundance monitoring (NPT # 199703000)**

**Council recommendation:** This Nez Perce tribe project proposed a suite of state-of-the-art salmon quantification technologies for testing in various streams in various streams in the Salmon River and Minam River (Blue Mountain province). The goal is to test various technologies under various conditions to determine if they are viable options for more accurate and more precise quantification tools that could be used to augment traditional redd count indexes or other tools.

The ISRP reviewed this project along with two new proposals for experimenting with enumeration technologies (27019 and 28052) as a unit. The ISRP recommended that the already existing monitoring work conducted through project 199703000 should continue, but that

experimentation with additional enumeration technology should be limited to one area. This was the basis for its "fund in part" recommendation.

NMFS notes that the project addresses RPA 180 and RPA 193 of the Biological Opinion. The Bonneville comments would hold this project to current levels, and recommends limited testing of new technologies under new project 27021 in the Blue Mountain province.

The Council recommends that this project be funded to test enumeration technologies in the Secesh River only, through the ongoing project 199703000, and not through either of the new start proposals. This new work is being supported because of its correlation to RPA monitoring and evaluation action items. Projects that respond to these particular action items are not abundant. The Council's funding general considerations prioritize new work that responds to Biological Opinion needs. The Council understands that the Bonneville comments recommend directing this work through the new proposal 27021 in the Imnaha basin in the Blue Mountain province. However, the Council recommendation for that proposal 27021 is dramatically scaled back, and the opportunity to link this enumeration experiment within that reduced scope is not available.

The Council recommended funding level is presented in Table 1, and those figures represent funding the Objectives and tasks for the Secesh River related work only. (The recommendation does not include the proposed NEPA funding or Marsh Creek elements).

#### **Salmon Issue 6: Analyze Persistence and Spatial Dynamics of Chinook (RMRS # 199902000)**

**Council recommendation:** The Council recommendation relies heavily on the NMFS comments that call this project "an important contribution to the design of a comprehensive monitoring program in the Snake River basin. NMFS stated that the project is "particularly important" in that it continues a key data set and associating redd survey data with explanatory environmental characteristics. NMFS states that the project responds to RPA 180. Bonneville supports only limited elements of the proposal. The ISRP would like to see the results from past year's efforts analyzed and reported and recommended partial funding to accomplish those tasks. The sponsor notes that this project has been funded at a 50% or less level the last two years, leaving inadequate resources to do the sort of reporting desired by the ISRP.

The Council recommends partially funding this project (see Table 1 for totals) for what appears to be important and unique Biological Opinion responsiveness. The Council does not recommend that the project be limited to aerial surveys and reporting as recommended by Bonneville and the ISRP. There are limited projects that correspond to the monitoring and evaluation RPAs of the Biological Opinion presented in this province, and very few that come with the sound endorsement that is provided here by NMFS. The Council's general funding considerations put a premium on addressing Biological Opinion needs, and this project appears to be important in advancing that objective. Further, should NMFS determine that additional monitoring and evaluation work needs to be completed in this area of the basin to respond to the Biological Opinion's monitoring and evaluation provisions, the Council recommends that they investigate working with and through this project to accomplish at least some of those needs. As

a condition of this funding recommendation, the Council recommends that Bonneville require the sponsor to provide to at least a preliminary analysis and report of its research and data collection since its efforts were initiated in 1995 as recommended by the beginning of Fiscal Year 2003, and that this be a condition of contracting for Fiscal Year 2003. The report should be provided to Bonneville and the Council, and made available to Streamnet.

**Salmon Issue 7: Idaho Supplementation Studies (IDFG/IOSC # 198909800; USFWS # 198909801; NPT # 19899802 and #199604300; SBT # 19899803)**

**Council recommendation:** The Council recommends funding for these projects after the ISRP concerns detailed in programmatic issue 10 are addressed. The sponsors are requested to document their responses, and provide them to the Council for ISRP review. If the ISRP concerns are addressed, only previously approved and ongoing objectives should be funded. NMFS comments provide that these projects address RPAs 182 and 184. Bonneville's "A conditional" rating and comments are consistent with the Council recommendation. All of these proposals are held to funding levels approved by the Council in Fiscal Year 2001 plus 3.4%. The Council also notes that the sponsors need to consider how Johnson Creek will continue to be used in the ISS study as part of its response (this relates to the ISRP's third question on page 45 of its final report and Salmon Issue 8 below).

**Salmon Issue 8: Johnson Creek Artificial Propagation Enhancement Project (NPT # 199604300)**

**Council recommendation:** The ISRP provided this project a "Do not fund" recommendation (except for the monitoring and evaluation portion needed to tie in with Idaho Supplementation Studies (ISS)). The ISRP comments focus on the role of the Johnson Creek within the ISS study. Specifically, the ISRP notes that Johnson Creek was originally a control stream within the supplementation study, and that the past and proposed supplementation activities in this proposal are not consistent with the original ISS study design. The ISRP would have Johnson Creek supplementation activities halted so that the stream may continue to be used as a control stream within the larger ISS study.

Bonneville rated the projects as fundable (A, conditional). BPA recommends funding only HGMP development, base level M&E program, and other planning actions called for under the Council's approved three-step review process for artificial production facilities. However, BPA notes that Johnson Creek is *not* a control stream within the ISS. Reference is made to the emergency action to address declining adult salmon returns to Johnson Creek and that ISS cooperators (USFWS, NPT, SBT, IDFG) agreed to change Johnson Creek from a control stream to a treatment stream following the determination to begin an emergency supplementation action in Johnson Creek.

The Council's own past funding decisions endorsed the managers' changed strategy for Johnson Creek from a control stream to a supplemented stream. In 1996, the Council approved 15 high priority supplementation projects under Program Measure 7.3B. This was one of those projects. On June 30, 1998 the Council recommended funding, as an emergency measure, the Johnson Creek Artificial Propagation Enhancement Project to collect summer chinook salmon

adults and rear juveniles. The most recent Council action on the Johnson Creek Artificial Propagation Enhancement Project was its FY 2001 funding recommendations. The Council considered and approved detailed project elements and associated budgets for the artificial production activities.

NFMS considers the project as a BASE project for Biological Opinion implementation and recognizes that this project was supported as a high priority supplementation project in 1996, but notes that the project has evolved into a moderately large and fairly expensive production program. NMFS recommends that an HGMP needs to be completed, and a special use permit for the permanent weir, holding ponds and acclimation pond needs to be received from USFS.

The Council is recommending that this project be funded at levels consistent with past Council decisions in Fiscal Year 1998 and Fiscal Year 2001. The ISRP's recommendation not to fund the project because of impacts to the original study design of the Idaho Supplementation Studies cannot be strictly accepted without further information gathering, as the project cooperators, NMFS, and the Council have consciously decided to take a different course with regard to supplementation within Johnson Creek than was originally conceived in the Idaho Supplementation Study. This Council recommendation to fund this project is subject to four conditions:

Condition One: The Council recommends that the sponsor be required to address how Johnson Creek will be used in the continuing Idaho Supplementation Studies as discussed in Salmon Issue 7 above. While past and current management and policy decisions to supplement Johnson Creek populations may have impacted the original study design, the sponsors should explore and provide explanations and alternatives that show how Johnson Creek can continue to be a part of the larger supplementation experiment. The sponsor should address the three questions in the ISRP final report on page 45. As part of that response, the sponsor should clearly identify how the past and proposed supplementation activities may diminish the quality or quantity of information that would be gathered in the larger ISS project. The Council recommends that this information be provided to the ISRP for review and a report back to the Council and sponsor before funding is committed.

Condition Two: The Council recommends that the JCAPE cooperators (Nez Perce, IDFG; USFWS, Shoshone Bannock) need to specifically detail how they agreed to move Johnson Creek from a control stream in the ISS study to one that is supplemented. This confirmation must include: (1) the understanding of the cooperators in 1996 regarding the use of this stream in the ISS study design; and (2) any agreements reached at that time regarding the magnitude of the Johnson Creek supplementation program, and any current agreement about the magnitude of the program currently underway. This information needs to be provided to the Council prior to the step two submittal.

Condition Three: The Council was very specific during its deliberation and approval of the Johnson Creek project in its Fiscal Year 2001 work plan. Those specifics were provided to ensure that the project maintained its approved scope and intent. Council has aligned the proposed budgets in this recommendation to reflect previous Council decisions and future step reviews. The Council wants to make clear that future budgets depend upon favorable Council

decisions at each of those future reviews. The Council also strongly recommends that the sponsors be put on notice that the future step submittals must address the conditions placed on this project since the emergency action taken by the Council in 1998 and FY 2001 as outlined in a memo to BPA and sponsors on March 27, 2001. This includes the following conditions.

Conditions, as outlined, were placed on the project as part of the partial step two review approved by the Council on June 30, 1998.<sup>3</sup>

- *relationship of this project to the Councils policies on artificial/natural production,*
- *final design of the project consistent with any master plan and preliminary design,*
- *has the project or its purpose changed in such a way to raise new scientific concerns,*
- *has the underlying science or the way it is understood changed so as to raise new scientific issues, and*
- *how technically appropriate are the monitoring and evaluation elements of the project.*

Conditions placed on the project as part of the FY 2001 budget.

- *The final cost of facilities are consistent to the cost presented in the FY 2001 project proposal and revised per the above request (i.e. Total \$2,867,562 - Section 3, objective 1 - 5 at \$384,171 and Section 4, objective 1 - 2 at \$2,483,391) and any cost increases are fully justified and are associated with the selected alternative for the additional water supply.*
- *The development of an agreement with the USFWS and IDFG addressing proposed McCall Fish Hatchery modifications and additions, cost sharing, and facility management. This agreement needs to be presented as a part of the step two submittal.*
- *The ability to secure water rights (i.e. dependent of the selected alternative) and effluent permitting being addressed and presented as part of the step two submittal.*

Condition Four: The Council anticipates that the step-two documents will be submitted to the Council on October 1, 2002. If this date is not met due to unforeseeable circumstances, the Council suggests that the sponsor be required to provide an explanation in writing addressing the reasons for the delay and provide a date certain that the documents will be provided.

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<sup>3</sup> There were eight responses that the reviewers noted that the information was inadequate (responses 4, 12, 25, 26, 27, 29, 30, and 31). As the Nez Perce Tribe's Project staff complete the monitoring and evaluation plan, preliminary design for the juvenile acclimation and release facilities, and the NEPA documentation, these questions will be more fully addresses (A Review of Response to Questions for the Partial Step 2 Review of the Johnson Creek Artificial Propagation Enhancement Project, Pacific Northwest National Laboratory Ecology Group, Richland, Washington, May 29, 1998)

### **Salmon Issue 9: Salmon River Native Resident Fish Assessment (IDFG/IOSC # 28030)**

**Council recommendation:** The goal of this project is to provide a baseline for evaluating future land and species management actions relative to effects on native fishes and their habitats. This project proposes to: 1) complete knowledge base of current status of all native resident fishes at the 6<sup>th</sup> HUC watershed level across all land ownerships, 2) provide recommendations for the design of long-term monitoring of those populations, and 3) coordinate the development and maintenance of a Salmon Subbasin database usable by all agencies and tribes. The proposal would review and coordinate existing information on resident fishes distribution, status, and habitat associations, house that in a data base, and then develop a long-term monitoring and evaluation plan and design to track these parameters for target species.

The project received a “do not fund” rating from the ISRP, and CBFWA rated only Objective 1 of the proposal as a high priority. The ISRP states that “there is a clear and long-recognized need for basic population information.” However, the ISRP is critical that no work plan is presented. The Council’s review of the proposal shows that the issue of a work plan is important for out-year funding of additional data collection. Bonneville’s comments rated it a D and recommended against funding.

The Council recommendation is to fund only Objective 1 in Fiscal Year 2002 (\$62,000) to compile, coordinate and lodge this resident fish information in a database. No out-year funding is recommended. The Council believes that funding Objective 1 responds to the ISRP’s note that there is a “clear and long-recognized need for basic population information” on these species, and that the task within that objective are aimed at coordinating and improving existing data and making it more accessible, as opposed to gathering new data (which is proposed in the other Objectives not recommended). The Council believes that having this basic information will be useful for subbasin planning, and in particular, ground-truthing the EDT based work that has been developed to date. This is one of the few resident fish focused projects that the province prioritization group chose to advance for funding in the Mountain Snake province. The Council recommends that the sponsor be required to provide the coordinated population information to Streamnet.

### **Salmon Issue 10: Chinook Salmon Survival and SAR Quantification, S. Fork Salmon River (NPT # 28034)**

**Council recommendation:** This new proposal is being advanced for its responsiveness to the Biological Opinion monitoring and evaluation RPA. The NMFS comments state that the proposal addresses “multiple” RPAs and especially RPA 180. The NMFS comments call it a “very important” monitoring and evaluation proposal for the Snake River basin, and that it could form the “core of an R,M &E pilot.” The ISRP review was very favorable, and emphasized the value of the products that would be delivered. Funding this new work is consistent with the Council’s general funding principles that put a priority on responding to Biological Opinion needs.

The Bonneville comments provided the only negative input for the proposal. Bonneville recommended that the proposal not be funded until a broader research, monitoring, and evaluation plan is completed.

The Council recommends funding this proposal for the reasons provided by the NMFS and ISRP comments. The proposal is one of a limited set that address the monitoring and evaluation RPAs, and this one seems to have been particularly impressive to NMFS. Further, the Council recommends that NMFS, Bonneville, and the other Action Agencies look to this proposal and the others like it recommended in this province to meet ESA monitoring and evaluation needs rather than initiate other projects that have not been coordinated and reviewed through the provincial process.

### **Salmon Issue 11: Restoration of Yankee Fork (IDFG/IOSC/SBT # 28016)**

**Council recommendation:** This is a proposal to evaluate and remediate impacts to a historically productive section of the Yankee Fork that has been severely impacted by dredge mining. The proposal was comprehensive in providing for design and evaluation, multi-year phased protection and active restoration, and long-term monitoring and evaluation.

The ISRP rated the project as fundable in part, with support for those restoration and protection activities that could be included within a conservation easement. The NMFS comments noted that this area was historically productive, and that a conservation easement could be responsive to RPA 153 if it is long-term and meets certain standards. The Bonneville comments did not support funding at this time. The regional prioritization group included this as a management priority for the area.

The Council recommends that this project be funded, but at a level substantially reduced from as proposed, and to focus only on the conservation easement element and bioaccumulation monitoring. The proposed funding levels are presented in Table 1.

### **Salmon Issue 12: Nez Perce Salmon River Terrestrial and Lower Salmon River Tributary Protection and Enhancement (NPT # 28010; IDFG #28018)**

**Council recommendation:** These projects are linked and focus on habitat acquisition and protection for the benefit of both fish and wildlife species. The ISRP found each fundable in part, and emphasized the need to better detail regarding the criteria for prioritization of acquisitions. The ISRP encourages using the approach developed by the Salish-Kootenai tribe. The Council received NMFS comments only on 28018, which stated that the project could respond to RPA 154, and noted that there are some habitats in the lower Salmon that have potential for anadromous fish, and encouraged a focus on those. Bonneville's comments suggest that neither be funded at this time, and that there may not be wildlife mitigation credits available.

The Council recommends combining these projects and funding them at a substantially lower level than proposed. The figures are presented in Table 1. The sponsors have stated a willingness to reduce their proposals to target a total of 2000 acres from the originally conceived

12,000 acres. The Council also recommends that the proposals focus on acquisition of lands that are currently productive, or provide linkages to currently productive habitat that also have recognizable benefits to anadromous fish as well as terrestrial species. This recommendation is conditioned on the sponsors providing clarity on criteria their acquisition prioritization during the contracting process. The Council recommends that those criteria, at least in part, focus on currently productive habitat and habitats that have some anadromous fish benefits.

### **Salmon Issue 13: Protect and Restore Little Salmon River (NPT # 28050)**

**Council recommendation:** The ISRP provided a “fundable in part” recommendation for objective 2 only (i.e. watershed assessment preparation component). The proposal would partner with landowner groups to improve riparian habitat, and demonstrates good interactive potential between NPT and landowners.

Bonneville suggests that the project should be deferred until after subbasin plans are complete. NMFS comments note that the project is in a priority subbasin and that the partial barrier to anadromous fish is expected to be remedied in the future. NMFS also notes that the project responds to RPA 154. The Council staff does not believe that this project needs to wait until subbasin planning is completed to begin to take actions to protect riparian area function, as it is likely that a riparian protection strategy will be paramount in any subbasin plan. The funding and actions recommended are those related to protecting the riparian function. The Council believes that the assessment tasks proposed should not be implemented (Objective 2, task b @\$100,000) for the reasons addressed in its programmatic funding considerations. The Council recommends that the sponsor consider and address the ISRP's comments about the monitoring and evaluation elements of the project during contracting.