



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin

The Authority includes the following tribes and fish and wildlife agencies:

Burns Paiute Tribe

Coeur d'Alene Tribe

Confederated Salish and Kootenai Tribes of the Flathead Reservation

Confederated Tribes of the Colville Reservation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Idaho Department of Fish & Game

Kootenai Tribe of Idaho

Montana Fish Wildlife & Parks

National Marine Fisheries Service

Nez Perce Tribe

Oregon Department of Fish & Wildlife

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

Washington Department of Fish and Wildlife

Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Compact of the Upper Snake River Tribes

Upper Columbia United Tribes

November 24, 2008

Mr. Bill Booth, Chairman  
Northwest Power and Conservation Council  
851 SW Sixth Avenue, Suite 1100  
Portland, OR 97204-1348

Dear Chairman Booth:

The fish and wildlife agencies and Tribes of the Columbia Basin Fish and Wildlife Authority (CBFWA) thank you for the opportunity to provide comments on the draft Columbia River Basin Fish and Wildlife Program (Draft Program) which the Northwest Power and Conservation Council (Council) released on September 2, 2008. We would also like to thank you for the consultation meeting that took place on September 26, 2008, which has helped us to better understand the Draft Program. We are optimistic that this discussion, combined with additional consultation and your extension of time for providing comments, will lead to a final Program that is consistent with the fish and wildlife agencies' and Tribes' recommendations.

We agree on and support numerous aspects of the Draft Program. These include maintaining the overall structure of the 2000 Program, the development of multi-year work plans, focused research in areas of scientific uncertainty, the emphasis to deliver effective "on-the-ground" actions, and perhaps most importantly for adopting many, if not all, of the individual agencies' and Tribes' recommendations as measures that are part of the Fish and Wildlife Program.

There are some areas in the Draft Program where we recommend a clarification, revisions, edits, and reconsideration of our original recommendations for inclusion in the final Program. These areas include:

- A. defining the roles and responsibilities of the various entities involved in developing and implementing the Columbia Basin Fish and Wildlife Program;
- B. defining an explicit adaptive management architecture as the framework of the final Program; and,
- C. providing additional detail to fill in the adaptive management framework.

This detail includes:

1. quantified losses for anadromous fish, resident fish and wildlife;
2. biological objectives of focal species to mitigate for these losses at the various Program scales;
3. an explicit list of strategies and measures organized to support development of multi-year work plans;
4. an inclusive process to update subbasin management plans which would include the agencies' and Tribes' subbasin summaries that

- will include updated information from final and proposed recovery plans, a refinement of basinwide biological objectives based on the subbasin scale objectives contained in these summaries, and development of multi-year work to implement the measures included in the program; and,
5. the basinwide monitoring and reporting measures recommended by the agencies and tribes to evaluate successful implementation of the Program.

Attachment 1 provides our recommendations to address each of these areas in the final Program. If the Council decides not to include any of our recommendations, we request the Council provide an explanation in the final Program.

It is important that the final Program clearly identify, in one source, the measures that are included within the Program. Attachment 2 is our attempt to consolidate and organize the measures, submitted by the agencies and Tribes, that the Council is adopting into the Program. These tables summarize the measures that have been provided by the fish and wildlife agencies and Tribes individually and collectively. It is not our consensus position to support every measure in these tables; however, we fully support this organizational structure. In working with your staff, we agreed that specific tables of measures may be useful in communicating our understanding of what specifically is in the Program.

The purpose of our participation is to ensure the Fish and Wildlife Program remains scientifically sound, biologically effective, and provides a convincing rationale for the ratepayer funding that will be directed at protecting, mitigating, and enhancing fish and wildlife resources in the Columbia Basin in the near future. We look forward to working closely with the Council during the steps leading to the final Program and we continue to offer our expertise and support in this process.

Chairman Booth, NPCC

11/24/08

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Respectfully submitted:

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Gary Aitken, Sr., Tribal Council  
Member  
Kootenai Tribe of Idaho

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Chairman Chief J. Allan  
Coeur d'Alene Tribe

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Jay Minthorn, Board Member  
Confederated Tribes of the  
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Alonzo A. Coby, Chairman  
Shoshone-Bannock Tribes of  
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Dean Adams, Chairman  
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Sam Jim, Sr., Chairman, Fish and  
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Deb Louie, Business Council  
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Robert Bear, Vice Chairman  
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Samuel N. Penney, Chairman  
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James Steele Jr., Chairman  
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Daniel H. Diggs, Assistant  
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Rob Walton, Assistant Regional  
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cc:  
NPCC Members & Staff  
CBFWA Members

Attachment 1.

The fish and wildlife agencies and Tribes provide the following comments on the September 2, 2008 draft of the Fish and Wildlife Program:

**A) The Draft Program does not include our recommendations for outlining the role of the fish and wildlife agencies and tribes and others in planning, implementing, and evaluating the Fish and Wildlife Program.**

The Northwest Power Act outlines specific roles and responsibilities for various entities including the fish and wildlife agencies, the Columbia Basin Tribes, the Bonneville Power Administration, and the Northwest Power and Conservation Council. We believe the final Program should include a description of the statutory role of each of these entities as outlined in the Northwest Power Act. This would provide a statutory context for the role of the fish and wildlife managers in planning, implementing and evaluating the Program. In fact, much of our suggested language was included in your original solicitation for Program amendments. Our intent is not to be exclusionary of other participants in the process. Rather, it is to clarify the roles of all participants in planning, implementing and evaluating the Program.

To address this, the Council should include the programmatic language provided in our recommended Amendment 1.1 at Page 5 Line 16 and 17 of the Draft Program. Secondly, the Council should replace paragraph 2 on Page 5 with language provided in our recommended Amendment 1.7. In addition, we support the inclusion of the role of the other entities involved in planning, implementing, and evaluating the Program, as outlined in the Northwest Power Act.

**B) The Draft Program does not include a well-defined adaptive management architecture as recommended by the fish and wildlife agencies and Tribes.**

Although the Draft Program discusses adaptive management on Page 6 Line 39 and a monitoring and evaluation framework on Page 43, the Draft Program does not include the adaptive management architecture as provided in our recommended Amendment 1.4 as the framework of the Program. The Council's proposed adaptive management framework should depend on defining and using the important linkages between biological objectives, limiting factors, strategies, and measures to address those limiting factors, as well as the monitoring and reporting necessary to support appropriate accountability and transparency. To address this, the Council should include the programmatic language provided in our recommended Amendment 1.4 on Page 7 Line 8 of the Draft Program. Also, the Council should include our basinwide provisions as

described in C.2 and C.5, and our subbasin provisions as described in C.2 and C.4, of this attachment. The adaptive management framework is essential to support the development of multi-year implementation plans.

**C.1a) The Draft Program does not include the agencies' and Tribes' recommendations to develop and implement a common methodology for performing resident fish loss assessments and operational loss assessments for wildlife across the basin.**

Developing objectives for mitigation is a fundamental basis for defining mitigation goals and implementing adaptive management in a large resource-based mitigation program. This provides the transparency and accountability that is necessary for an effective Fish and Wildlife Program. Loss assessments are indeed feasible and can be completed in a cost effective manner with proper preparation and planning and would support development of long-term work plans.

To address this, the Council should include the measures recommended by the agencies and Tribes to develop and implement a methodology for performing resident fish loss assessments and operational loss assessments for wildlife. This is important for establishing consistency across the basin and for establishing a foundation for setting biological objectives.

The Council should include Amendments 2.2.4A and 2.3.4A of the agencies' and Tribes' recommendations in Section II.C.a (pages 19-20) of the Draft Program. On Page 19 Line 11 delete the words "Where feasible."

**C.1b) The Draft Program does not include the agencies' and Tribes' recommendations for the wildlife portion of the Program.**

The wildlife sections of the Draft Program are significantly different than the agencies' and Tribes' recommendations in substance and context. In many ways, it contradicts our recommendations. As such, the Council should reconsider the wildlife sections of the Draft Program. For example the role of the crediting committee described in the Draft Program is one of developing policy recommendations, rather than one of implementing policies already established in the Program. Another example is our recommendation for doubling of the loss assessments which was not fully included in the Draft Program.

The agencies' and Tribes' recommendations include the measures in our recommended Amendment 2.3.4 which: 1) direct BPA to fund operational loss assessments, 2) direct BPA to enter into long-term funding agreements that meet specific criteria, 3) direct BPA to fund existing projects at levels adequate to implement management plans, 4) establish a Wildlife Crediting Forum for

maintaining the crediting ledger, and 5) direct BPA to fund adequate wildlife monitoring and evaluation. These measures will provide greater accountability for the ratepayers and certainty for wildlife mitigation implementation.

To address this, the Council should replace Pages 38-41 of the Draft Program with the narrative and measures for wildlife contained in Section 2.3 of our recommendations. These recommendations identify specific measures to address the 2:1 crediting ratio, long-term funding agreements, operational losses, and project monitoring and evaluation.

**C.2) The Draft Program does not include the agencies' and Tribes' recommendations for objectives for biological performance at the basinwide and subbasin scales.**

We appreciate the Council's willingness to work with the fish and wildlife agencies and Tribes and others to assess the value for the Program of quantitative biological objectives at the basinwide level as articulated on Page 18 Line 12 of the Draft Program. This appears to be a positive step toward implementation of adaptive management. However, we have provided the Council with scientifically sound biological goals and objectives that represent the best scientific knowledge at this time for the purposes of developing a final Program. And it is important to note that biological objectives at all levels of the Program are an essential element for effective adaptive management architecture, without them there is no transparent standard for measuring success.

We do however agree that we can always improve upon these objectives. So, as a compromise we suggest that the Council adopt our recommended biological goals and objectives while simultaneously beginning a basin-wide process to further refine these goals and objectives. The agencies and Tribes are prepared to complete this as part of the subbasin management plan update described below.

Specifically, the Council should include our recommendations provided in our Amendment 2.0.1 in regards to Section II.C.a of the Draft Program (Objectives for Biological Performance, pages 17-18). Further, the original 2000 Program language describing "Objectives for Biological Performance" should be retained. The changes on pages 17-18 of the Draft Program significantly modify and weaken the original language contained in the 2000 Fish and Wildlife Program. These changes should be retracted.

**C.3) The Draft Program is not clear which recommendations the Council is adopting as measures in the Final Program.**

We commend the Council for adopting the individual recommendations of the agencies and Tribes into the Program as measures necessary to protect, mitigate, and enhance fish and wildlife resources affected by hydropower development in the basin. However, to ensure clarity, the Council should explicitly identify all measures that are being adopted into the Program. For example, in Attachment 2, we have attempted to compile all the fish and wildlife managers' recommendations that appear to fit within the Council's definition of the measures that is currently in the Draft Program in Section VIII.A. Our table is organized by subbasin and species, which should support development of multi-year work plans and monitoring and evaluating implementation of those work plans. We encourage the Council to maintain a similar organizational structure in whatever method they use to express the measures adopted into the final Program. These tables summarize the measures that have been provided by the fish and wildlife agencies and Tribes individually and collectively, or have been ongoing in the Program, and as such it is not our consensus position to support every measure in these tables; however, we fully support the organizational structure of these tables.

**C.4) The Council should implement an inclusive process to update subbasin management plans which would include the agencies' and Tribes' subbasin summaries which will include updated information from final and proposed recovery plans, a refinement of basinwide biological objectives based on the subbasin scale objectives contained in these summaries, and development of multi-year work to implement the measures included in the program.**

In the Draft Program, the Council outlines a three-year process for updating Subbasin Plans. It is not necessary at this time to update the entire plans. The focus of an update should be targeted at integrating the Management Plan portions of the Subbasin Plans with other processes ongoing in the basin, and updating the implementation portion of those plans. In performing those updates, the Council should focus on the adaptive management elements necessary to support future evaluations.

The Council should replace lines 13 – 45 on page 103 and lines 1 & 2 on page 104 with the following:

“The Council will initiate a process in January 2009 to update subbasin Management Plans to include:

- o Explicit measures (as organized and verified in Appendix 2 as described above);

- Subbasin Plan summaries (along with a process to work with the fish and wildlife agencies and Tribes and others to vet them regionally by June of 2009 before inclusion in the final Program); and,
- Multi-year work plans for each subbasin, including a work plan for the Mainstem and Systemwide portion of the Program, also by June of 2009.”

We commend the Council for recommending the development of multi-year work plans to implement the measures in the Program. We believe these multi-year plans need to be developed as part of the subbasin management plans and as with other areas of the Program, these multi-year work plans need to reflect the essential elements for adaptive management as well as tie together numerous initiatives in the Region, including Biological Opinions, the Columbia River Basin Fish Accords, the Council’s Fish and Wildlife Program, ESA recovery plans, and the current and future plans of the fish and wildlife managers. These work plans should also provide budgetary certainty and improved accountability for on-the-ground activities. To achieve these things the final Program should include the following as the explicit description of the “essential elements that comprise multi-year work plans:

- Clear linkages from biological objectives to the limiting factors that prevent their achievement, to threats that cause the limiting factors, and strategies and measures that address the threats;
- Budgets to implement actions sequenced and agreed to over time;
- Expected environmental and biological response to implementing the action or suite of actions (anticipated progress towards biological objectives);
- Predicted timing for biological response to the suite of actions; and,
- Targeted monitoring to support evaluation of implementation of the suites of actions to assess whether they were successful or not.”

**C.5) The Draft Program should include the agencies’ and Tribes’ recommendations for basinwide measures for monitoring and reporting.**

The Draft Program overlooks the significant advances in monitoring and evaluation in the Columbia River Basin and elsewhere. Since the release of the 2000 Fish and Wildlife Program, significant efforts have been underway to guide and coordinate monitoring and evaluation in the basin and in the Pacific Northwest region. To address this, the Council should rely on the best available scientific information and incorporate explicit basin-wide measures for monitoring and reporting as included in Section 2 of the agencies’ and Tribes’ amendment recommendations. The Council should replace Pages 44-48 in the draft amendment with the M&E framework described in the agencies’ and Tribes’ Section 2 (including Sections 2.1.5 – 2.1.8).



**D) With the adoption of our recommendations, the distinction between measures and projects should not be necessary.**

The footnote 16 on Page 105 of the Draft Program, Lines 44-46 on Page 106, and Lines 1-12 on Page 107 should not be included in the final Program. With the above process the fish and wildlife agencies and Tribes are committed to work with the Council and others to move from measures to projects through the development of multi-year work plans. However, at this time the fish and wildlife agencies and Tribes are not prepared to agree with or provide an interpretation of the Northwest Power Act for inclusion in the final Program regarding the distinction between actions, measures, and projects.

**E) The Program should not discuss personnel requirements related to the Fish Passage Center manager.**

We commend the Council for including many of our recommendations related to the Fish Passage Center (FPC) into the Draft Program. However, we are concerned that the Draft Program includes language that directs the management of personnel within a specific project. Contract management details such as this should not be addressed in an overarching planning document. In addition, the current language is not consistent with the amendment recommendations of the agencies and Tribes.

To address these concerns, the Council should adopt our recommendations for Fish Passage Center consistent with our recommended Amendment 2.1.5.4 without modification.