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January 28, 2010

DECISION MEMORANDUM

TO: Council Members

FROM: Mark Fritsch, project implementation manager

SUBJECT: Council decision on Project #2009-003-00, *Columbia Cascade Province MOA Habitat Projects*, a Columbia Basin Fish Accord project.

PROPOSED ACTION: The Council staff recommends that the Council recommend that this project proceed to implementation with the condition that necessary monitoring elements be contracted for based on favorable ISRP review of the M&E plan that will be proposed for Project 2010-001-00, Upper Columbia Programmatic Habitat Project. If this review is not favorable Bonneville, YN and Council staffs will return to the Council with a monitoring approach.

BUDGETARY/ECONOMIC IMPACTS

The total amount associated with this Accord project equals \$61,782,603 (e.g., ranges from \$5,701,234 to \$7,335,156 per year¹) in expense funds for Fiscal Years 2008 through 2017.

BACKGROUND

In 2008-2009, the Bonneville Power Administration, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation (the "Action Agencies") signed agreements with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the Confederated Tribes and Bands of the Yakama Nation (YN), and the Columbia River Inter-Tribal Fish Commission (CRITFC). The agreement with these Tribes and CRITFC is referred to as the Three Treaty Tribes MOA. The Action Agencies also signed agreements with the Confederated Tribes of the Colville Reservation (CCT), the Shoshone-Bannock Tribes (SBT), and the states of Idaho, Montana, and Washington. These agreements are known as the Columbia Basin Fish Accords.

¹ This range includes the anticipated 2.5percent annual inflation adjustment, beginning in Fiscal Year 2010.

As set forth in the guidance document outlining the review process for the Accords, the Council recognizes Bonneville's commitment to Accord projects. The Accords do not, however, alter the Council's responsibilities with respect to independent scientific review of project proposals or the Council's role following such reviews. As with all projects in the Fish and Wildlife Program, Accord projects are subject to review by the Independent Scientific Review Panel (ISRP), and the Council provides funding recommendations based on full consideration of the ISRP's report and the Council's Program.

On September 15, 2009, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Yakama Nation (YN), #2009-003-00, *Columbia Cascade Province MOA Habitat Projects*. The proposal was submitted to the ISRP for review, and on October 16, 2009 the ISRP provided a review (ISRP document 2009-42). The ISRP members requested additional information before they could determine if the proposal met scientific criteria.

On December 1, 2009 the Council received a response from the YN, and on January 6, 2010 the Council received a review from the ISRP (ISRP document 2010-2). The ISRP found that the proposal "*Does Not Meet Scientific Criteria.*" To date, no public comment has been received on the ISRP review.

The project's goal is to improve habitat for salmonids in the Wenatchee, Entiat, and Methow subbasins to restore ecological functions to stream habitat to contribute to recovery of salmon, steelhead, and bull trout.

ANALYSIS

The ISRP found that the YN response was thoughtful and complete for habitat actions; the reasoning for its recommendation was simply that there was no post-treatment monitoring of habitat restoration actions presented in the proposal, and monitoring by another entity is uncertain.

The Yakama Nation has crafted a sound habitat project that defers the monitoring of the effectiveness of the restoration efforts to the regional M&E processes being developed in the Columbia Cascade Province. The YN recognizes what the region is attempting to do with regional monitoring and evaluation and plans to work and coordinate closely with the various ongoing and upcoming M&E efforts in the Entiat, Wenatchee and Methow subbasins to adaptively manage actions identified for implementation under this project. Specifically, the project will incorporate programs from the following entities: NMFS (Upper Columbia Monitoring and Evaluation Plan [Appendix P of the Recovery Plan]); Reclamation (USGS Effectiveness Monitoring); NOAA Fisheries (ISEMP); the Northwest Forest Plan Aquatic and Riparian Effectiveness Monitoring Plan (AREMP); USFS (Pacfish/Infish Biological Opinion Effectiveness Monitoring; PIBO); the Pacific Northwest Aquatic Monitoring Partnership (PNAMP); Collaborative System-wide Monitoring and Evaluation Project (CSMEP); *Mid-Columbia HCP Monitoring and Evaluation Plans*; Washington Salmon Recovery Funding Board (SRFB; Washington Comprehensive Monitoring Strategy For Watershed Health and Salmon

Recovery); the Okanogan Basin Monitoring and Evaluation Program (OBMEP), and Washington State Department of Ecology (IMW).²

Currently, the Council is in the process of developing the Monitoring, Evaluation, Research and Reporting Plan (MERR Plan). A key provision of the plan is a basic risk assessment matrix to guide decision making. Actions presenting a low risk to other Program characteristics may necessitate a lower intensity level of monitoring as compared to actions presenting higher risks to other species or program characteristics. It is anticipated that the MERR Plan and its Implementation Framework – a collaborative effort involving the ISAB, ISRP, and regional partners – will be ready to guide implementation in 2011 and beyond.

In the interim, while the MERR and other regional processes come to fruition, a plan for post-treatment monitoring of habitat restoration in the upper Columbia is being developed by another habitat project. This month, the Upper Columbia Salmon Recovery Board and Bonneville will submit a proposal that addresses Bonneville's BiOp non-Accord habitat effort in the Upper Columbia (Columbia Cascade Province). This proposal (i.e., Project 2010-001-00, Upper Columbia Programmatic Habitat Project) will provide a programmatic approach for planning, funding, and implementing Bonneville's effort in close cooperation with other funding sources and initiatives while helping ensure that Bonneville's resources are applied where they can accomplish the greatest improvements to the primary limiting factors for ESA-Endangered UCR Spring Chinook and UCR Summer Steelhead. The proposal will present a plan for monitoring and evaluating this restoration effort which can provide an M&E template for this YN habitat project. The proposal for the Upper Columbia Programmatic Habitat Project will contain a M&E plan for habitat restoration in the upper Columbia based on ISRP guidance (e.g., ISRP 2007-1), intensive ongoing M&E in the Columbia Cascade Province, and new gap-fill projects recently identified through the regional BiOp RM&E collaboration process. For example, project-level implementation monitoring will include new BiOp-mandated metrics in Pisces and independent verification. High-level effectiveness/validation monitoring will be accomplished through collaborative IMWs in the Entiat and Methow subbasins. In discussion, the YN is willing to consider participating in a coherent and efficient programmatic habitat restoration M&E plan that is articulated for this province.

The Council has a very unique situation with this project. This is a very large and complex habitat project. It is addressing habitat needs in one of the most monitored areas of the Columbia River Basin. The Yakama Nation has a project that essentially has met all review criteria except for monitoring. With this opportunity, the Council can demonstrate the benefit of a programmatic framework that addresses monitoring for the Program and the region using a project that has otherwise received a favorable scientific review for habitat actions in this province.

² A specific example of the YN's current coordination with M&E efforts is the work being done in the Entiat IMW project. The IMW design calls for a very intense, one year (2011) restoration implementation effort in a specific reach of the Entiat River. This restoration effort may include up to 15 major restoration projects being implemented by three different project sponsors. Implementation of habitat restoration projects at this volume and urgency is fairly uncommon and difficult, however the Yakama Nation has and will continue to make strenuous efforts to find, design, permit, and construct a large share of these projects in 2011.

Based on the ISRP review of the programmatic habitat approach and the MERR Plan, Bonneville and the YN will ensure that the necessary work elements will be addressed as part of contracting associated with Project #2009-003-00, Upper *Columbia Habitat Restoration Project* so that this project's monitoring needs will be met.

Given the above, it seems reasonable that the Council recommend this project proceed towards implementation on the condition that necessary monitoring elements be contracted for based on favorable ISRP review of the M&E plan that will be proposed for Project 2010-001-00, Upper Columbia Programmatic Habitat Project. If this review is not favorable Bonneville, YN and Council staffs will return to the Council with a monitoring approach.