

Bruce A. Measure
Chair
Montana

Rhonda Whiting
Montana

W. Bill Booth
Idaho

James A. Yost
Idaho



Dick Wallace
Vice-Chair
Washington

Tom Karier
Washington

Melinda S. Eden
Oregon

Joan M. Dukes
Oregon

August 5, 2010

MEMORANDUM

TO: Council members

FROM: Mark Fritsch, project implementation manager

SUBJECT: Council decision on Project #2008-524-00, *Implement Tribal Pacific Lamprey Restoration Plan*, a Columbia Basin Fish Accord project.

PROPOSED ACTION: That the Council recommend that:

- CRITFC proceed with all tasks associated with Objectives 1 and 4 as well as tasks that received favorable ISRP review addressing planning, development of methods and technologies, data collection and dissemination associated with Objectives 2, 3, 5 and 6;
- CRITFC pursue the ongoing collaborative partnerships with the projects' multiple sponsors and funding sources, providing available information and studies to the ISRP (i.e., Task 3.1A subtask i and ii; and Task 5.1B);
- the ISRP provide additional review of the remaining tasks (e.g., study designs, plans and methods) associated with Objective 2 (i.e., Task 2.1B subtasks ii; and Task 2.1D subtask i) so that if the ISRP review is favorable the tasks can proceed to implementation; and
- the ISRP and the Council review Action 6.2, prior to its implementation, using the Council's step review process (Council Document 2006-21, *Three-Step Review Process*).

BUDGETARY/ECONOMIC IMPACTS

The total budget for this Accord project is \$6,298,848 (i.e., it ranges from \$575,000 to \$700,582 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

¹ This range includes the anticipated 2.5-percent annual inflation adjustment, beginning in Fiscal Year 2010. The Fiscal Year 2009 budget was re-distributed into Fiscal Year 2010.

Springs Reservation (CTWSRO), the Confederated Tribes and Bands of the Yakama Nation (YN), and the Columbia River Inter-Tribal Fish Commission (CRITFC). The agreements with these Tribes and CRITFC are referred 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.

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 implementation recommendations based on full consideration of the ISRP's report and the Council's Program.

On June 8, 2009, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Columbia River Inter-Tribal Fish Commission (CRITFC) for Project #2008-524-00, *Pacific Lamprey Passage Design*.²

The ultimate goal of this project is to implement the objectives of the draft *Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin*.³ To address the needs embedded in the restoration plan, the proposal outlined nine sub-objectives.

The proposal was submitted to the ISRP for review, and on June 24, 2009 the ISRP provided a review (ISRP document 2009-24). The ISRP found that the proposal "Meets Scientific Review Criteria - In Part." No public comment was received on the ISRP review.

The ISRP found the proposal to be too general to support scientific review. The panel found that only the action associated with the finalization of the lamprey restoration plan met scientific criteria. The ISRP recommended that this objective precede implementation of field work so as to provide a prioritized list of actions and studies, but more importantly to provide more details on the methods to be used to address lamprey passage and distribution questions in the sub-objectives found in the proposal.

On August 12, 2009, based on the ISRP review, the Council recommended support for only the ongoing actions associated with the finalization of the lamprey restoration plan. The Council also called for CRITFC to address the concerns raised by the ISRP and recommended that any additional actions be subject to future review by the ISRP and the Council.

On April 29, 2010 the CRITFC presented an overview of the revised project (i.e., lamprey restoration plan implementation) to the ISRP and Council staff. On May 4, 2010 the Council received a submittal from CRITFC intended to address the condition placed on this project on

² The proposal is listed in the May 2008 agreement in Attachment B, Lamprey.

³ Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin. Available at critfc.org.

August 12, 2009 by the Council.⁴ The submittal included a cover letter and the revised narrative (i.e., tribal restoration plan) for the project. On May 27, 2010 the ISRP provided its review (ISRP document 2010-16). The ISRP found that the project *Meets Scientific Review Criteria (In Part) – Objectives 1 and 4 meet criteria (qualified). Parts of Objectives 2, 3, and 5 meet criteria, and other parts need separate sub-proposals. Objective 6 is premature – it should be based on the outcome of Objective 3.*

ANALYSIS

The revised narrative reviewed by the ISRP addressed many of the ISRP's initial recommendations and many improvements were evident in the proposal. The ISRP stated that the project will provide benefit to Pacific lamprey, especially on the collection of information regarding their life history and population status. However, the ISRP found the proposal included objectives that should be treated as individual projects (i.e., sub-proposals), and stated that the additional details needed for an adequate review should be submitted and reviewed individually (found in parts of Objective 2, 3, 5 and 6). This would be similar to the approach the ISRP and Council used with Project # 2007-325-00, *UPA Wenatchee Subbasin Complexity Proposal*.

On July 7, 2010 the Council staff presented an overview of the project and the ISRP review to the Fish and Wildlife Committee. In addition, the CRITFC clarified the intent of the key objectives of the project and offered contextual understanding to the ISRP review.

The presentations and resulting discussion at the Committee meeting were beneficial and extensive. As the ISRP noted and CRITFC presentation confirmed, this project encompasses several actions that could be treated as individual projects (i.e., video counting at Willamette Falls and lamprey friendly screen technology). For reasons of administrative efficiency, CRITFC and BPA are proceeding with one contract between them that funds this project. In addition, there are several tasks of the project that are simply collaborative and supportive in nature and lend support to ongoing actions (e.g., Willamette River adult lamprey migration and habitat study) by other regional entities.

Based on the ISRP review and presentations made to the Committee in July, the Fish and Wildlife Committee has summarized by objective the following recommendation for the Council to consider. In addition, a recommendation for the project as a whole is provided.

Objective 1. Finalize the Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin. (*ISRP document 2010-16; Qualified*).

Recommendation: Proponent needs to complete the plan and take into account the additional information and detail requested by the ISRP. This qualification can be addressed as part of contracting.

Objective 2. Improve mainstem and tributary lamprey passage efficiency, and survival. (*ISRP document 2010-16; In Part*).

⁴ The project title was changed (pursuant to an ISRP suggestion) to reflect the various project elements. The project is now titled *Implement Tribal Pacific Lamprey Restoration Plan*.

Recommendation: Proponent to proceed with coordination, collaboration and initiating the development of methods and technologies (Task 2.1A, Task 2.1B subtask i, iii, iv and v; Task 2.1C subtasks i-iv; and Task 2.1D subtask ii and iii). The research, technologies, designs and tests of the structures and methods should be reviewed by ISRP prior to installation and implementation (Task 2.1B subtasks ii; and Task 2.1D subtask i).⁵

Objective 3. Monitor and evaluate, collect and disseminate information on lamprey population status, life histories and mainstem habitat. (*ISRP document 2010-16; In Part*).

Recommendation: Proponent to initiate collaboration and data share with other entities conducting work and to collaborate on data bases on abundance and literature reviews (Task 3.1A subtasks i-iv⁶; Task 3.1B subtasks ii-v; Action 3.2; action 3.4). This recommendation requires a favorable review by the ISRP of the study designs and methods before they are implemented (Task 3.1B subtask i; Task 3.3A subtasks i and ii; Task 3.3B subtask i).

Objective 4. Establish and coordinate public education and other outreach programs. (*ISRP document 2010-16; Qualified*).

Recommendation: Proponent to address how the effectiveness of the education and outreach programs will be monitored. This qualification can be addressed as part of contracting.

Objective 5. Evaluate contaminant accumulation and other water quality impacts on lamprey. (*ISRP document 2010-16; In Part*).

Recommendation: Proponent to proceed with data collection and literature review (Task 5.1A; Action 5.2). Similar to actions in Objectives 2 and 3, CRITFC is only providing cost share to USGS who is performing the research. Though the ISRP provided an *in part* recommendation, the Fish and Wildlife Committee requested that CRITFC provide the final project design to the ISRP for their interest and information only (Task 5.1B). This recommendation is conditioned on CRITFC collaborating with member tribes (i.e., Confederated Tribes of the Warm Springs Reservation of Oregon, Project #2007-007-00, *Determine Status and Limiting Factors of Pacific Lamprey in Fifteenmile Creek and Hood River subbasins, Oregon*) to obtain samples.

⁵ These subtasks involve video counting at Willamette Falls and research and development of lamprey friendly screen technologies for tributary (e.g., irrigation) screens. This work will be carried out with USFWS and USGS respectively.

⁶ Subtask i and ii address an ongoing collaborative study with separately funded participation (i.e., Grande Ronde Tribe, Portland General Electric, and Bureau of Reclamation). CRITFC's funds pay for researchers (i.e., Oregon State University and Cramer Fish Sciences) to provide cooperative data which requires tagging and tracking adult lamprey. This study is in its final year and will terminate at the end of the 2011 spawning period. A key reason for CRITFC's involvement in this project was the unique opportunity and ability to collaborate and cost share critical research and resources with others to learn more about this species.

Objective 6. In collaboration with CRITFC member tribes and other regional entities with resource sharing, plan, develop, and if appropriate, implement an experimental safety-net lamprey artificial production facility for the conservation of the species. (*ISRP document 2010-16; Does Not Meet Review Criteria*).

Recommendation: Proponent to proceed to collect and disseminate information and initiate other activities in Objective 3 (Task 3.1A subtasks iii-v; Task 3.1B subtasks ii and v; Action 3.2; action 3.4). Some of the information gathered will be needed to provide the preliminary information for Objective 6. The planning and collaboration activities for Objective 6 should proceed (Task 6.1A- E). At the appropriate time, the proponent should present a plan (Task 6.2) for review by the ISRP and the Council that addresses the review elements defined in the step review process (Council document 2006-21, *Three-Step Review Process*).

Summary

The Fish and Wildlife Committee recommends to the Council the following:

- CRITFC proceed with all tasks associated with Objectives 1 and 4 as well as tasks that received favorable ISRP review addressing planning, development of methods and technologies, data collection and dissemination associated with Objectives 2, 3, 5 and 6;
- CRITFC pursue the ongoing collaborative partnerships with the projects' multiple sponsors and funding sources, providing available information and studies to the ISRP (i.e., Task 3.1A subtask i and ii; and Task 5.1B);
- the ISRP provide additional review of the remaining tasks (e.g., study designs, plans and methods) associated with Objective 2 (i.e., Task 2.1B subtasks ii; and Task 2.1D subtask i) so that if the ISRP review is favorable the tasks can proceed to implementation; and
- the ISRP and the Council review Action 6.2, prior to its implementation, using the Council's step review process (Council Document 2006-21, *Three-Step Review Process*).