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May 13, 2009

Mr. William C. Maslen
Manager, Fish and Wildlife Division
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

Dear Mr. Maslen:

The purpose of this letter is to advise you of the Council's decision on a Columbia River Fish Accord proposal. This recommendation was made by the Council at its meeting on May 12, 2009.

In addition, a purpose of this letter is to inform the project sponsor and other interested parties of the status of this Council action. The following is a summary of the action taken by the Council at the meeting in March.

Restore Potlatch River Watershed, Project #2002-061-00

In 2008-2009, Bonneville, 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 (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.

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 science review or the Council's role following such review. 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 June 25, 2008, the Latah Soil and Water Conservation District (Latah SWCD) submitted a request for the addition of select work elements to their existing project. These additional work

elements would allow the Latah SWCD to address limiting factors as outlined in the recently completed Potlatch River Watershed Management Plan. The additional work elements address instream habitat and riparian issues not just the upland work elements as original reviewed and recommended.

On July 9, 2008, this request was reviewed by the budget oversight group (BOG) as part of the reviews associated with the fourth quarter of Fiscal Year 2008. The request was linked to Idaho Accords¹ and the BOG noted the need to review that connection as it relates to the scope change and science review. It is interesting to note that this request was the first Accord action to be received by the Council for a recommendation. At the time of the submittal the BOG process was the only process established for project adjustments and the region had not clearly defined a process for reviewing Accord proposals.

Therefore, on November 19, 2008, as part of the Council's decisions regarding within-year requests for the Fourth Quarter of Fiscal Year 2008, the Council approved that this requested scope change be reviewed by the ISRP. This recommendation was based on the need to expand the scope of the ongoing project to meet the expectations of the Columbia Basin Fish Accords.

On November 25, 2008, the Latah SWCD submitted a narrative intended to address the new work elements associated with this scope change for ISRP review. The submittal also included the Potlatch River Watershed Management Plan.

On December 29, 2008, the ISRP requested a response for the Latah SWCD. The information that they had received did not provide sufficient information to scientifically justify adding instream habitat and riparian improvement actions to the upland measures already being implemented in this project.

On February 20, 2009, the Latah SWCD submitted a response intended to address the additional informational needs that the ISRP requested on December 29, 2008.

On March 27, 2009, the ISRP provided their final review (ISRP document 2009-8). The ISRP found that the information supporting a scope change for the Latah Soil and Water Conservation District's (Latah SWCD) project to Restore Potlatch River Watershed "Meets Scientific Review Criteria (In Part)". The ISRP found several of the work elements appear reasonably justified, but other work elements were not described in such a way that the ISRP could fully appreciate and support the ecological justification for the bioengineering approach that has been or will be employed.

In review of the final ISRP review the Council staff determined that the intent of the scope change associated with the original request could not be met unless the majority of the new work elements met scientific review criteria. Based on this understanding of the interrelationship of the individual work elements needed to accomplish many of the proposed actions on the ground, the Council staff determined that Latah SWCD needed to provide the supplemental information to the ISRP to provide this clarity and understanding.

¹ The project is identified as *Lower Clearwater River/Potlatch Watershed Management Plan Implementation*. The intent of the project is to accelerate the on-the-ground implementation of the recently completed Watershed Management Plan.

On April 10, 2009, the Council received a submittal from the Latah SWCD providing the additional detail regarding several of the different actions and work elements associated with the project to determine if they met review criteria. On April 13, 2009, the submitted information was sent to the ISRP for review.

On April 27, 2009, the ISRP provided their final review (ISRP document 2009-13). The ISRP found that the additional information regarding the proposal to add eight work elements to its existing BPA contract enables the ISRP to now fully support the request (i.e., *Meets Scientific Review Criteria*).

Based on the ISRP review the Council supports Project #2002-061-00's request for the additional work elements to address instream habitat and riparian issues. The Council made this recommendation with the understanding that the project budget will remain the same unless requests are made for additional project work related to Accord actions within the Potlatch River watershed. At this time, additional Accord funding for restoration efforts within the Potlatch River watershed, beyond funds currently allocated to Project #2002-061-00, will be managed through Project #2008-604-00, *Lower Clearwater and Potlatch Watersheds Habitat Improvements*. The total amount associated with Accord actions in the Lower Clearwater and Potlatch watersheds equals \$5,000,000 (e.g., approximately \$500,000 to \$750,000 per year) in expense funds for Fiscal Year 2008 through 2017. In addition, Project #2008-604-00 will be submitted separately for review and recommendation. The Council anticipates at the time of a recommendation accounting between the two projects will be defined.

Sincerely,

Tony Grover
Director, Fish and Wildlife Division

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