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January 7, 2009

MEMORANDUM

TO: Fish and Wildlife Committee

FROM: Lynn Palensky, Erik Merrill and Mark Fritsch

SUBJECT: Guidance Document for Scientific Review of Accord Projects and Update on Reviews

Attached is the current draft of the Guidance Document for Science Review of Accord projects. The Fish and Wildlife committee reviewed the previous draft at the November 2008 meeting, after which Council members provided additional edits which are incorporated into the current version. No additional comments have been received. The guidance is posted on our website on the Accords page so it is available for Accord parties and anyone interested in the process for reviewing Accord projects. The Guidance Document is expected to evolve over time as we learn to work most effectively with the accord projects over the lifetime of the accords. Council members will be kept informed if changes to the document appear to be necessary.

Introduction

In May 2008, the Bonneville Power Administration (BPA), US Army Corps of Engineers, and US Bureau of Reclamation 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), the Columbia River Inter-Tribal Fish Commission (CRITFC), Confederated Tribes of the Colville Reservation, the Shoshone-Bannock Tribe and the states of Idaho and Montana to implement a set of projects and actions that were developed to deliver specific, scientifically sound results for the region's fish and wildlife.

Science Review of All Accord Projects

As with all projects in the Fish and Wildlife Program, Accord projects are subject to scientific review by the Independent Scientific Review Panel (ISRP). As outlined in the guidance document associated with the review process for the Accords (attached), the Council recognizes Bonneville commitments to the projects under the Accords. However, the Accords do not alter

the Council's responsibilities with respect to ISRP review or the Council's role following ISRP review. Consequently, the Council will provide its recommendation on each project based on full consideration of the ISRP report and the Council's program.

The suite of Accord projects is comprised of both *new proposed projects* and *ongoing projects*, and they are generally categorized as such for review and contracting purposes. Some ongoing projects will have changes in scope or expansions that result in new work elements. The *new project* category can be further categorized by whether or not the project has previous ISRP review. The attached guidance document describes the categories of projects in further detail and how and when each might go through science review.

Several Accord projects have been reviewed recently or are currently being reviewed. The next section summarizes the status of the new projects submitted for review in November. In addition, Table 1. provides a quick reference for other Accord Projects that have recently been reviewed or are currently being reviewed.

New Accord Project Review

On November 4, 2008, the Council and the BPA asked the ISRP to review a set of 11 Columbia River Fish Accord proposals received from Bonneville. The proposals had been submitted to Bonneville by CTWSRO, YN and CRITFC. The ISRP has conducted a preliminary review (ISRP document 2008-15) of the proposals and found that only one of the proposals meets the ISRP's scientific review criteria (i.e., "provides adequate scientific justification for the proposed activity").^[1] The other ten proposals need additional information before the ISRP can determine whether they meet scientific criteria. This leads us into the "response phase" of the review.

To expedite implementation of Accord proposals, the ISRP will release final recommendations on proposals as soon as sufficient information is provided for them to complete the scientific evaluation. To initiate the "response loop" the ISRP requested information directly from the project sponsors of proposals that lack sufficient specificity. The requests for additional project information were made on December 15th by the ISRP directly to the sponsors. The ISRP anticipates a few project sponsors will likely be able to respond to comments quickly in a response memo, but most proposals need significant revision.

^[1] This project will be discussed in the following agenda item.

Table 1. Accord Project Review Status

New Proposals

Eleven “new” Accord projects submitted to ISRP for review in November, 2008 by the Lower River Tribes Accord parties

- One project (Genetic Assessment) met scientific criteria; Funding recommendation and final ISRP science review discussion at the January Meeting
- Ten projects need additional information. Response loop initiated December 15

Wildlife Categorical Review

- One Accord project currently preparing for ISRP review in March 2009

On-going projects

- Klickitat Master Plan – Step 1 review received an ISRP “*meets criteria (qualified)*”; approved August 2008; Step 2 design in progress
- Hood River Master Plan – Step 1 review received an ISRP “*meets criteria in part (qualified)*”; approved October 2008; Step 2 design in progress
- Chief Joseph Master Plan – Step 2 submittal received and currently being reviewed. ISRP requested response from sponsor
- Potlatch Watershed– change in scope currently being reviewed. ISRP requested response from sponsor
- Yankee Fork Master Plan – Step 1 ; received an ISRP “*does not meet scientific criteria*” September 2008
- Walla Walla Master Plan – Step 1; received an ISRP “*does not meet scientific criteria*” November 2008
- Wildlife Categorical Review – six Accord projects are currently preparing for ISRP review in March 2009
- Three water transactions on the Lemhi submitted to the Columbia Basin Water Transaction Program (CBWTP) under the State of Idaho Accord. Reviewed by CBWTP Transactions Advisory Committee and determined to satisfy the criteria approved by the ISRP; moved to contracting in December 2008

Science (ISRP) Review Process -- Guidance for Columbia River Basin Fish Accord Projects

November 26, 2008

Preface

In May 2008, the Bonneville Power Administration (BPA), US Army Corps of Engineers, and US Bureau of Reclamation (collectively, the “federal 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), the Columbia River Inter-Tribal Fish Commission (CRITFC), Confederated Tribes of the Colville Reservation, the Shoshone-Bannock Tribe and the states of Idaho and Montana to implement a set of projects and actions that were developed to deliver specific, scientifically sound results for the region's fish and wildlife.

These Accord projects are subject to scientific review by the Independent Scientific Review Panel (ISRP), which was created by the Northwest Power and Conservation Council (Council) in response to section 4(h)(10)(D) of the Northwest Power Act as amended in 1996. Under the amended Act, the ISRP provides the Council with independent scientific review of projects funded by the Bonneville Power Administration. The Council then makes a funding recommendation to Bonneville who will take that into account when making a final decision. This helps ensure that final decisions will reflect the best scientific knowledge and produce the greatest benefit for fish and wildlife.

This guidance document reflects general agreement by the Council and Bonneville of the process by which Accord projects will undergo science (ISRP) and Council review. The long-established ISRP project review process includes a review of the proposal and narrative; possible site visits; a response loop; an opportunity for public comment and a final report to include recommendations on scientific soundness. Because of the need for immediate implementation of many of the Accord projects, newly proposed work will be reviewed when submitted to get the projects underway as quickly as possible. However, where appropriate, Accord projects will be reviewed within the Fish and Wildlife Program's categorical or geographic reviews to maintain consistency and work load efficiency. In all cases there will continue to be an opportunity for public comment on the ISRP recommendations.

ISRP Review

As with Columbia River Basin Fish and Wildlife Program projects proposed in the past, the ISRP will conduct scientific review of proposed Columbia River Basin

Fish Accords projects using criteria established by the Act. These criteria include whether projects:

1. Are based on sound scientific principles
2. Benefit fish and wildlife
3. Have a clearly defined objective and outcome
4. Include provisions for monitoring and evaluation of results
5. Are consistent with the Council's fish and wildlife program

Within the scope of this review, the ISRP report may also identify potential scientific problems with the projects and suggestions for how the Accord parties may remedy them. In addition, the ISRP will include Accord projects in its annual "retrospective" review of the results of prior year Fish and Wildlife Program expenditures.

Council Review

The Council recognizes that BPA has made specific and binding commitments to projects under the Accords. However, the Accords do not alter the Council's authority or responsibilities as set forth in the Northwest Power Act with respect to ISRP review or the Council's role following ISRP review. Accord projects have established budgets, and have been determined by BPA to satisfy in lieu requirements and other consistency issues. Consequently, in its review of new Accord projects, the Council will provide its recommendation on each project based on full consideration of the ISRP report and the Council's program. In making its recommendations to BPA, the Council shall also consider the impact of ocean conditions on fish and wildlife populations and shall determine whether the projects employ cost-effective measures to achieve program objectives.

If the Council's recommendation differs from the recommendation of the ISRP, the Council will explain the basis for the difference. In addition, if BPA and the Sponsor choose to implement the project differently than the Council recommends, BPA will work with the project sponsor and provide a report on the final disposition of the project to explain the decision and how the Council program was taken into account.

Categorizing Accord Projects for Review

Accord projects fall into two categories; new and existing projects. The "new project" category can be further categorized by whether or not the project has previous ISRP review. The Council will coordinate ISRP review of the Accord projects and resolve any unanticipated workload issues with review of non

Accord projects. Determination of whether a project should go directly to review will be based on the following categorization.

A. New Projects (2008 “start-up” review)

1. New Accord projects that have not already been reviewed in prior solicitation processes will go directly to ISRP for review. New work can also be characterized by work that is an expansion of an existing project that is:

- in a different geographic area (e.g. subbasin or other ecologically different area),
- Affecting a different species or ESU, or
- will use different methods or treatments

2. New work that does not need immediate ISRP review includes work that was not funded but which was previously reviewed with a favorable outcome; and expanded work that does not represent a change in scope in previously reviewed work. These projects may be integrated into the existing schedule for the appropriate categorical or geographical review.

B. Existing Projects

Existing Accord projects are those that have had previous ISRP review and are ongoing. These projects will be integrated into the existing schedule for the appropriate categorical or geographical review. The following circumstances and project types do not need to go directly to ISRP for review:

- Previously reviewed ongoing work and expanded* work that does not represent a change in scope from previously reviewed work will be reviewed in the normal course of categorical and geographic reviews; and
- Administrative and coordination work aimed at the “umbrella” administrative proposals that BPA set up quickly for the MOA parties to develop projects and proposals.
- Projects already in or qualified for the Three-Step process will continue to be reviewed in that process (recognizing that this process may be modified to reflect that BPA has committed to full implementation and specific funding levels).

Accord projects will also be included in performance check-ins in future geographic and categorical reviews undertaken by the Council and the ISRP in the ten-year period covered in the Accords. The Accord parties and the Council will agree on how the Accord projects will be incorporated into these reviews.

The future reviews of ongoing Accord projects will focus primarily on project performance -- accomplishments, reporting of results, whether expected results are being achieved, and whether the project's actions and methods reflect new

information gained from those results. The Accord parties and the Council will meet to consider how to include Accord projects in these reviews. Following this review the Council will make recommendations to BPA for changes and adaptive management. BPA will work with project sponsors to provide the sponsors and the Council with a written report on the final disposition of the project including how the disposition is consistent with the Fish and Wildlife Program.

ISRP Review Process

ISRP reviews of new projects will be based primarily on project descriptions (narratives) prepared by Accord project proponents. Reviews of existing projects will be based primarily on reported results. Wherever feasible, project proponents will link to their Statements of Work in Pisces, BPA's web-enabled software tool for managing Fish and Wildlife Program projects and contracts. The primary difference between the Accord project narrative form and past forms is that it will focus on new, previously un-reviewed work. Links to historical data - project evolution, previous reviews, and recent Statements of Work - will be provided for consideration in the review. Ongoing work will need to be summarized to the extent it provides context for the scientific review of new work.

In the Accord review process, the project proponents may submit projects doing similar work, or in the same geographic area, to be reviewed as an entire programmatic effort. Or, Accord projects may be integrated into the categorical or geographical review process if appropriate and as scheduling permits.

In past reviews, BPA and Council have been most appreciative of ISRP's observations of, and suggestions regarding the limiting factors and interactions at the subbasin, province, and program levels. Because of its unique vantage point, the ISRP can assess projects in the context of similar, parallel, and complementary efforts occurring in the project's subbasin, or program-wide. To the extent possible, Accord projects will be reviewed in logical categorical or geographical groupings similar to the review process established for non-Accord projects. Grouping of like projects, or projects from the same geographic area, will better enable the ISRP to address the larger issues facing these projects, and will encourage project proponents to coordinate with one another in planning, implementation, and monitoring.

In addition to reviewing groups of projects holistically, the ISRP will also be looking at scopes of work that stretch ten years, as opposed to the three year scopes submitted in past reviews. The Accord parties will participate in future categorical and geographic reviews sponsored by the Council, and report on project performance during the ten year Accord period.