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January 4, 2012

## **DECISION MEMORANDUM**

**TO:** Council members

**FROM:** Mark Fritsch, project implementation manager

**SUBJECT:** Council decision on Project #2008-207-00, *Umatilla Tribe Ceded Area Stream Corridor Conservation & Protection*, a Columbia Basin Fish Accord project.

**PROPOSED ACTION:** The Fish and Wildlife Committee recommends this project to the Council for implementation. This recommendation is conditioned on the sponsor addressing in contracting the issues raised by the ISRP.

## **BUDGETARY/ECONOMIC IMPACTS**

The total amount associated with this Accord project is \$10,000,000 in expense funds for Fiscal Years 2008 through 2017. To date there has been no expenditure associated with the project.

## **BACKGROUND**

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. 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 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 May 1, 2009, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) for Project #2008-207-00, *Umatilla Tribe Ceded Area Stream Corridor Conservation & Protection*<sup>1</sup>.

The sponsor's stated goal, in cooperation with other conservation partners, is to secure permanent protection for core anadromous fish habitat areas in the ceded territory of the CTUIR. This includes the river corridors and watersheds of the Grande Ronde, Umatilla, Walla Walla and John Day rivers. The highest-priority targeted habitat protection area will be the upper Grande Ronde River with a special focus on Spring Chinook spawning and rearing habitats. The proposal identified the process to select and implement habitat acquisition/protection, potential enhancement treatments, and monitoring of habitat improvements.

The intent of this project is to achieve habitat quality improvement targets in tributaries used by specific populations of Chinook and steelhead to address Reasonable and Prudent Alternative (RPA) 35 (i.e., Protect and Improve Tributary Habitat) of the 2008 Federal Columbia River Power System Biological Opinion (BiOp).

The proposal was submitted to the ISRP for review, and on June 2, 2009 the ISRP provided a review (ISRP document 2009-20) of the proposal and found additional detail was needed. The ISRP provided a recommendation of "Response Requested".

On September 11, 2011 the Council received a submittal from Bonneville and the CTUIR intended on providing additional detail requested by the ISRP. On September 23<sup>rd</sup> the submittal was submitted to the ISRP and on November 8, 2011 the ISRP provided their final review (ISRP document 2011-23). The ISRP found the proposal "Meets Scientific Review Criteria (Qualified)".

## **ANALYSIS**

The ISRP found that the proposal met review criteria (qualified) and will serve as a "starting point" for implementation. The ISRP recognized that the CTUIR did the best they could with the information currently available through EDT/QHA modeling and subbasin assessments for identifying priority conservation areas. The qualifications raised by the ISRP include the need for additional detail to address specifics regarding the sequence of priority acquisitions and contingencies for dealing with issues that may arise that may affect implementation. In addition, the ISRP requested more information regarding the monitoring and evaluation associated with acquisitions in the priority subbasins.

Council and Bonneville staffs have determined that the information requested by the ISRP can be addressed through contracting and then reviewed during the geographical review anticipated in 2012/2013. With this condition, Bonneville will include as part of contracting specific deliverables for 1) the details of the framework the CTUIR references as a tool for prioritizing properties for potential acquisition, 2) a comprehensive plan or statement of reference condition that can be used as the basis to evaluate or compare each property presented as a priority for

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<sup>1</sup> The proposal is listed in the May 2008 agreement in Attachment B, Non-Hatchery Capital, New.

acquisition<sup>2</sup>, and 3) additional detail regarding CTUIR monitoring and how acquired parcels will be accounted for within the context of the regional framework for habitat status and trend monitoring.

Based on the CTUIR's development of the aforementioned detail as part of contracting, the Fish and Wildlife Committee recommends this project to the Council for implementation. The revised prioritization framework and updated narrative will be reviewed as part of the geographic review.

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<sup>2</sup> This statement will address the prioritization and sequencing of the particular purchase, and include the limiting factors being addressed. As information regarding limiting factors is updated through recovery planning and subbasin assessment/planning activities and as strategies for recovery/restoration are refined, BPA and CTUIR will match priority fish needs with willing land owners to secure the properties that will deliver on BiOp objectives.