

Bill Bradbury
Chair
Oregon

Henry Lorenzen
Oregon

W. Bill Booth
Idaho

James A. Yost
Idaho



Bruce A. Measure
Vice-Chair
Montana

Pat Smith
Montana

Tom Karier
Washington

Phil Rockefeller
Washington

February 5, 2013

MEMORANDUM

TO: Council Members

FROM: Mark Fritsch, project implementation manager
Nancy Leonard, fish, wildlife and ecosystem M&E report manager

SUBJECT: Council decision on Project #2008-301-00, *Habitat Restoration Planning, Design and Implementation within the boundaries of the Confederated Tribes of the Warm Springs Reservation of Oregon, lower Deschutes River, Oregon, a Columbia Basin Fish Accord project.*

PROPOSED ACTION: That the Council:

- Support implementation of actions in Beaver Creek and Mill Creek.
- Details requested regarding Beaver Creek to be addressed in contracting and included in the Geographic narrative.
- Condition Warm Springs River implementation to additional review by the ISRP. Upon favorable review from the ISRP work can proceed to implementation.

BUDGETARY/ECONOMIC IMPACTS

The total amount associated with this Accord project equals \$3,055,340 (e.g., ranges from \$234,408 to \$586,496 per year¹) in expense funds for Fiscal Years 2008 through 2017. To date four contracts have been issued for this project totaling \$1,003,998². Currently, there is one active contract that totals \$345,132 and reflects a performance period of March 1, 2012 to February 28, 2013.

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

² Of the \$1,003,998 allocated to the project, \$872,865 has been spent to date. The majority of costs associated with billing for this project are for Salary/Fringe, Supplies, Training/Travel (includes GSA rigs), Capital Equipment and Contracted Services for Cultural Surveys.

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 November 4, 2008, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Confederated Tribes of the Warm Springs Reservation of Oregon, #2008-301-00, *Deschutes River Restoration*. The goal of the project is to improve habitat for all aquatic species along with holistic watershed restoration aimed at factors limiting salmonid production. Four limiting factors were identified and include habitat complexity and quantity, fine sediment, water temperature and altered hydrology. Implementation actions developed through this project will address one or all of these limiting factors, as guided by the Deschutes River Subbasin Plan, the Mid-Columbia Steelhead Recovery Plan, and other Tribal planning efforts that prioritize projects on the Warm Springs Reservation.

The Council submitted the proposal to the ISRP for review. The ISRP provided its initial review report on December 12, 2008 (ISRP document 2008-15). The ISRP found that the proposal needed additional detail and provided a recommendation of "Response Requested - Does Not Meet Criteria."

On July 28, 2009 the Council received a response from Bonneville, and on August 18, 2009 the Council received the final review from the ISRP (ISRP document 2009-35). The ISRP found that the proposal "Does not meet scientific review criteria." No public comment was received on the ISRP review.

On September 29, 2009 the CTWSRO requested a teleconference with the ISRP to clarify the concerns regarding the project's narrative. On October 15, 2009 a teleconference was conducted with CTWSRO, Bonneville, and the ISRP. On October 16, 2009 the ISRP provided a summary of the teleconference with CTWSRO regarding the project.

On November 17, 2009 the Council received a response from CTWSRO intended to address the concerns raised by the ISRP in their previous reviews and on December 1, 2009 the ISRP

provided their follow-up review (ISRP document 2009-49). The ISRP continued to find that the information provided remained insufficiently detailed for the proposal to meet scientific review criteria.

The ISRP expressed concern that the three review iterations did not contain enough technical detail for the ISRP to conduct a review of the scientific merit for the proposed restoration actions. Though the Panel indicated that habitat restoration work in the project area is warranted, based in part on the information already in the Deschutes Subbasin Plan, the actions as presented in the proposal were not yet justified and significant planning still is needed for a review to occur.

Based on the ISRP review and discussions with CTWSRO and Bonneville staffs the Council on January 12, 2010 recommended to Bonneville that during FY 2010 Bonneville and the CTWSRO work to develop and resubmit for further ISRP review an appropriate overarching or programmatic proposal, guided by the Deschutes Subbasin Plan, the general approach to habitat restoration inherent in the program framework, and the ISRP's comments. This review will need to occur prior to the Fiscal Year 2011 field season, and implementation of any habitat restoration actions in FY 2011 and beyond will depend on a favorable review.

On December 20, 2010 the Council received a response from Bonneville and CTWSRO intended to address the issues and concerns raised in the previous reviews and on February 18, 2011 the ISRP provided their review (ISRP document 2011-4). The ISRP found that the submittal did not meet review criteria.

On November 16, 2011 the Council received from Bonneville and CTWSRO a revised proposal, both in title and content (i.e., *Habitat Restoration Planning, Design and Implementation within the boundaries of the Confederated Tribes of the Warm Springs Reservation of Oregon, lower Deschutes River, Oregon*). It was evident that this submittal was guided, not only by the most recent review, but also by all previous reviews (i.e., ISRP document 2008-15, ISRP document 2009-35, and ISRP document 2009-49). On December 22, 2011 the ISRP provided their review (ISRP document 2011-27).

The ISRP found that proposal was better outlined and more complete and provided a recommendation of "Meets Scientific Review Criteria (Qualified)." The ISRP states that the planning and design actions associated with this project are appropriate for implementation, but generally they need more details and understanding regarding the three areas within the reservation where work is being proposed:

1. Beaver Creek: Upper Beaver, and Coyote and Quartz creeks enhancement.
2. Mill Creek: Potters Pond to Boulder Creek restoration.
3. Warm Springs River: Large woody debris additions/placements.

The CTWSRO staff has submitted a better-outlined and more complete proposal. The proposal does not give details for the majority of restoration actions that would take place under this project but rather identifies a process for prioritizing, implementing, and monitoring work that will be carried out at a number of sites within the Warm Springs Reservation. For the most part, the project meets scientific criteria for the planning phase of the habitat restoration efforts.

Though the planning aspects associated with the project are adequate the ISRP requested that the following additional technical input be received prior to implementation.

1. *Essential details of actions at a number of project restoration sites have not yet been worked out (see first two paragraphs under Section III, p. 21). The general approach to identifying candidate sites and addressing specific limiting factors appears to be sound, but site-specific details should include (1) quantitative habitat information on existing conditions and improvements expected after restoration, (2) descriptions of how restoration of the site will contribute to improvement in viable salmonid population (VSP) parameters of focal species, and (3) estimates of the increased carrying capacity of the site following habitat improvement, which can be tracked over time to see if initial assumptions were justified³. These issues should be addressed adequately as detailed information is gathered as part of annual reporting requirements, and certainly before restoration work begins.*
2. *More details about the habitat project monitoring efforts are needed. The proposal states that PNAMP protocols will be followed, with physical and biological components of the monitoring constituting separate phases of the monitoring and evaluation work. Each project site should have its own monitoring and evaluation plan, as the specific restoration actions will vary from place to place and will require different habitat and fish population metrics for monitoring purposes. Site-specific monitoring details should be developed and reported as part of annual reporting requirements, and the details should be clear before restoration work begins. The ISRP understands that the level of detail in plans will vary according to the scope and scale of restoration actions at a particular site and recommends that project-specific scientific review be commensurate with the complexity of the proposed action.*
3. *The ISRP should review a draft of the project evaluation criteria and monitoring plan before it is finalized. In particular, plans for tributary actions following the “contract design” phase should be scientifically reviewed before implementation. Likewise, monitoring plans for restoration sites should be peer-reviewed for scientific adequacy. A reasonable schedule should be established for site-specific plan development and scientific review.*

The ISRP acknowledged the outlined sequence and planning associated with the three project work areas and stated that activity can continue, but requested that the items referenced above can be addressed either through additional review and/or as “part of the Geographic Review of projects in the Deschutes subbasin”. From the proposal received it was evident that the CTWSRO has taken steps to provide a proposal that met the expectations of the Fish and Wildlife Program. Tribal staff made great progress in providing a better narrative, acknowledged by the ISRP, and recognized where improvements were needed based on the previous ISRP reviews. In addition, discussions among Bonneville, CTWSRO, and the Council determined the three ISRP qualifications outlined above will be addressed as follows:

³ Contributions to improvement of VSP parameters and calculation of carry capacity is beyond the scope of this project; therefore, monitoring will be completed by Proposal #2008-311-00, *Monitoring Wild Populations of Spring Chinook Salmon (Oncorhynchus tshawytscha) and Summer Steelhead (O. mykiss) in Tributaries of the Lower Deschutes River within the Boundaries of The Confederated Tribes of the Warm Springs Reservation of Oregon*, and will be quantified based on adult escapement and smolt outmigrants within the project watershed. This proposal is currently under review by the ISRP.

1. The CTWSRO will submit further detail as requested by the ISRP for each work area as detailed in the following.
 - a. Beaver Creek: Upper Beaver, Coyote, and Quartz creeks enhancement will be made available for review during Spring/Summer 2012;
 - b. Mill Creek: Potters Pond to Boulder Creek restoration available Spring/Summer 2012; and
 - c. Warm Springs River: Large woody debris additions/placements available for review in late 2012/early 2013 or reviewed during the Geographical Review.

Bonneville will include as part of contracting specific deliverables of the details for the three proposed project work areas that can be used as the basis to evaluate project merit and action effectiveness. In response to the ISRP request, at a minimum the deliverables will include site-specific detail defining baseline habitat condition; expected improved condition post implementation; a description of how restoration will contribute to improved parameters of focal species for each site; and a description of project evaluation criteria and monitoring to determine action effectiveness. Site-specific monitoring and results will be included in annual reporting requirements for the project. Implementation of the three work areas will be based on a favorable review by the ISRP.

2. The goal of this CTWSRO habitat project is to protect, manage, and restore aquatic habitats in Reservation watersheds, given the Council's understanding of the focus of this project, the Council expects adequate monitoring of physical aspects of restoration actions to detect whether the desired physical change is achieved. The Council understands the difficulty of detecting a fish population response at a local project scale. The Council therefore anticipates regional status and trend and watershed effectiveness programs, such as IMWs, to provide within the appropriate timeframe the evidence that these type of habitat restoration actions do contribute to improved fish condition and productivity.
3. The qualification raised by the ISRP is addressed in #2 above and in the work area submittal and review by the ISRP as addressed in #1.

Based on the ISRP review and conditions #1 -3 above, the Council, on February 7, 2012, supported continued planning and design associated with projects in Beaver Creek, Mill Creek and Warm Springs River. This recommendation was conditioned on implementation of the plans in Beaver Creek, Mill Creek and the Warm Springs River being dependent on favorable review from the ISRP (i.e., condition #1).

On October 26, 2012 and on November 2, 2012 the CTWSRO submitted the requested information to the Council for Mill and Beaver creeks, respectively. These submittals were intended to address a condition placed on the project, for the Mill Creek and Beaver Creek work areas. On December 10, 2012 the ISRP provided their review of the proposed actions planned for Mill and Beaver creeks (ISRP document 2012-20).

ANALYSIS

The ISRP found the site-specific actions on Mill and Beaver creeks "meet scientific review

criteria (qualified).” The ISRP found that the information received adequately addressed their qualification #1 from the previous review, though additional detail regarding the estimates of expected future habitat conditions is lacking from the Beaver Creek response. In addition, the ISRP noted that the responses to qualifications #2 and #3 are lacking for both action areas.

It is important to note that the CTWSRO responded as defined in the Council recommendation on February 7, 2012. At that time the Council anticipated that regional action effectiveness monitoring program would provide monitoring coverage for habitat restoration projects such as this one. The Council understood that this habitat project is not funded to conduct monitoring at a level necessary to be able to address ISRP qualifications #2 and #3. Therefore the information received from CTWSRO provided the detail to satisfy only condition #1, per the Council decision. Though the submittal to the ISRP stated that the review should focus on responding to condition #1 the ISRP expressed their concern regarding the lack of response to their qualifications regarding action effectiveness monitoring efforts (i.e., qualifications #2 and #3).

In response to the Programmatic Issue #2, *Habitat effectiveness monitoring and evaluation*, as recommended by the Council in association to the Research, Monitoring and Evaluation and Artificial Production Project Review, Bonneville has developed an integrated approach to action effectiveness monitoring (AEM) in the tributaries of the Columbia River Basin. The Bonneville proposed integrated AEM approach, called *Action Effectiveness Monitoring of Tributary Habitat Improvement: a programmatic approach for the BPA Fish and Wildlife Program*, integrates monitoring and evaluation of completed, existing (and new habitat actions to better evaluate and report on the effectiveness of actions funded by Bonneville through the Council’s Fish and Wildlife Program. This approach includes a pilot implementation period during 2013-2014 that transforms how AEM is conducted away from an uncoordinated, project by project, approach to a coordinated, cost-effective, standardized, and statistically valid method for AEM.

On January 10, 2013 Bonneville submitted to the Council a series of documents intended to address Programmatic Issue #2 (i.e., Habitat effectiveness monitoring and evaluation) placed on numerous projects as part of the *RME and AP Category* review by the Council on June 11, 2011. These documents were presented to the ISAB on January 11, 2013 and submitted for review.

At the January 2013 Fish and Wildlife Committee meeting, Bonneville and NOAA Fisheries provided an overview of the submitted documents. The emphasis of the presentation was the proposed coordinated action effectiveness monitoring approach (AEM) and how the project sponsors would apply this approach.

At this time Bonneville intends to implement this coordinated approach for AEM of habitat actions, based on science review, as a pilot through 2014.

Based on Bonneville and NOAA Fisheries presentation the Fish and Wildlife Committee recommends to the Council that Bonneville work with the CTWSRO to determine how the ISRP requested monitoring (#2 and #3) for the CTWSRO project can be addressed with the Bonneville’s proposed approach for tributary AEM described in their *Action Effectiveness Monitoring of Tributary Habitat Improvement: a programmatic approach for the BPA Fish and Wildlife Program* document. The Council recommends that Bonneville assists the CTWSRO project sponsors in describing in their proposal this relationship. This should also include a

description of how these AEM data and evaluation outcomes will be used to inform the CTWSRO project sponsors on the effectiveness of their actions to guide project implementation. As well as how these data and evaluation outcomes will be used as supporting evidence for the effectiveness of their actions and reported in their annual project reports and for future ISRP proposal reviews.

Based on this understanding the Fish and Wildlife Committee supports that the actions proposed in Beaver and Mill Creeks proceed to implementation. This recommendation is conditioned on the details requested, by the ISRP (ISRP document 2012-20), regarding Beaver Creek to be addressed in contracting and included in the narrative associated with the currently ongoing Geographic review.

It is also noted that the implementation associated with the work area in the Warm Springs River is dependent on a submittal and review by the ISRP. Upon favorable review from the ISRP work can proceed to implementation