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January 26, 2012

## DECISION MEMORANDUM

**TO:** Council members

**FROM:** Mark Fritsch, project implementation 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:** The Fish and Wildlife Committee recommends that the Council:

- Support continued planning and design associated with projects in Beaver Creek, Mill Creek and Warm Springs River.
- Condition 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 \$385,016 per year<sup>1</sup>) in expense funds for Fiscal Years 2008 through 2017. To date three contracts have been issued for this project totaling \$747,663<sup>2</sup>. Currently, there is one active contract that totals \$293,863 and reflects a performance period of March 1, 2011 to February 29, 2012.

## 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

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

<sup>2</sup> Of the \$747,663 allocated to the project, \$586,277 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.

the Columbia River Inter-Tribal Fish Commission (CRITFC). The agreement with these tribes and CRITFC is 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 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 justified<sup>3</sup>. 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”.

## **ANALYSIS**

Based on the proposal received and the acknowledgement by the ISRP of the “better” narrative, it is evident that the CTWSRO has taken steps to provide a proposal that will meet the expectations of the Fish and Wildlife Program. Tribal staff made great progress in providing a better narrative and recognize where improvements are needed based on the review by the ISRP.

Based on discussions among Bonneville, CTWSRO, and Council staffs the three ISRP issues outlined above will be addressed as follows.

1. The CTWSRO will submit further detail as requested by the ISRP for each work area as detailed in the following.

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<sup>3</sup> 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.

- 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 deliverable 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 the discussions with Bonneville and CTWSRO staffs the project will continue with planning and design.

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