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July 30, 2009

## DECISION MEMORANDUM

**TO:** Council Members

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

**SUBJECT:** Council decision on Project #2008-524-00, *Pacific Lamprey Passage Design*, a Columbia Basin Fish Accord project.

**PROPOSED ACTION:** The Council staff recommends that the Council support only the action associated with the finalization of the lamprey restoration plan and that any additional actions be dependant of the sponsor addressing the ISRP concerns and future reviews by the ISRP and Council.

### BUDGETARY/ECONOMIC IMPACTS

The total amount associated with this Accord project equals \$6,298,848 (e.g., ranges from \$575,000 to \$700,582 per year<sup>1</sup>) in expense funds for Fiscal Years 2008 through 2017. A contract (#42607) is pending with a performance period of February 9, 2009 to February 8, 2010 at \$402,665.

### BACKGROUND

In 2008-2009, the Bonneville Power Administration, 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 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

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<sup>1</sup> This range includes the anticipated 2.5-percent annual inflation adjustment, beginning in Fiscal Year 2010. The Fiscal Year 2009 budget was re-distributed into Fiscal Year 2010.

Council's responsibilities with respect to independent scientific review of project proposals or the Council's role following such reviews. 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 8, 2009, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Columbia River Inter-Tribal Fish Commission (CRITFC) for Project #2008-524-00, *Pacific Lamprey Passage Design*.<sup>2</sup>

The proposal was submitted to the ISRP for review, and on June 24, 2009 the ISRP provided a review (ISRP document 2009-24). The ISRP found that the proposal "Meets Scientific Review Criteria - In Part." No public comment was received on the ISRP review.

The ultimate goal of this project is to implement the objectives of the draft *Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin*.<sup>3</sup> To address the needs embedded in restoration plan, the current proposal has the following general sub-objectives.

Sub-objective 1 - *determine hydraulic and biological design modifications to existing mainstem and tributary passage barriers to improve mainstem lamprey passage efficiency, and increase both adult and juvenile survival.*

Sub-objective 2 - *determine lamprey life history mainstem habitat preferences and prioritize actions to improve lamprey habitat.*

Sub-objective 3 - *determine individual and cumulative impacts of mainstem hydroprojects including mortality, fitness, migration, spawning and rearing.*

Sub-objective 4 - *determine water quality impacts of hydroprojects on lamprey and implement actions to reduce these impacts.*

Sub objective 5 - *investigate the adult and juvenile lamprey status and abundance trends by obtaining and compiling 24 hour adult dam count data at all mainstem dams and inventorying adult and juvenile lamprey abundance, distribution and habitat in mainstem rivers and reservoirs.*

Sub-objective 6 - *inventory, document and attempt to reduce quantitative estimates of mainstem avian, piscine and marine mammal predation.*

Sub-objective 7 - *Determine lamprey genetic structure by developing and expanding the use of microsatellite markers to clarify and define populations or aggregations of lamprey groups in the Columbia River and compare/contrast these with other Pacific Northwest lamprey groups.*

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<sup>2</sup> The proposal is listed in the May 2008 agreement in Attachment B, Lamprey.

<sup>3</sup> CRITFC. 2008. Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin. Available at critfc.org.

Sub-objective 8 - *establish regional data protocols for collection, storage and analysis of lamprey abundance, habitat and habitat preferences throughout the basin.*

Sub-objective 9 - *expand existing knowledge on limiting factors and critical uncertainties to lamprey life histories and productivity.*

Sub-objective 10 - *provide outreach and education programs to agencies, industries, agriculture entities, municipalities, schools and the general public about lamprey biology, status, research and importance as a keystone species for the ecological health and function of the Columbia Basin as well as a critical tribal cultural resource.*

## **ANALYSIS**

The ISRP found the proposal to be too general to serve for scientific review. They provided the “meets criteria” recommendation for only the action associated with the finalization of the lamprey restoration plan. The ISRP recommended that this objective precede implementation of field work so as to provide a prioritized list of actions and studies, but more importantly provide more details on the methods that will be used to address lamprey passage and distribution questions in the sub-objectives.

In discussions with CRITFC it was suggested that the details and underpinnings of the proposal, as it relates to the *Tribal Pacific Lamprey Restoration Plan for the Columbia River Basin*, be defined as part of the anticipated presentation by CRITFC, CTUIR, YN and CTWSRO of the restoration plan to the ISAB and ISRP in September for their review. Through this presentation and review, this proposal will be grounded to the restoration plan and the understanding of the implementation and sequencing will be better defined. CRITFC feels this is a more appropriate approach, and timely, to interact with the review panels regarding the comments received as part of this review.

Council staff supports the ISRP findings and feels that the proposal could serve as an implementation arm for the restoration plan if the detail and understanding to priorities for the Pacific lamprey in the Columbia River Basin are presented soundly in the context of this proposal.

Based on the ISRP review the Council staff recommends that the Council, at this time, support only the ongoing actions associated with the finalization of the lamprey restoration plan and that any additional actions depend on CRITFC addressing the ISRP concerns and future reviews by the ISRP and Council.