NEZ PERCE TRIBE
Department of Fisheries Resources Management

Administration • Enforcement • Harvest • Production • Research • Resident Fish • Watershed

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Dr. Tom Karier, Chairman
Northwest Power and Conservation Council
851 S.W. Sixth Avenue, Suite 1100
Portland, Oregon, 97204

October 2, 2006

Dear Dr. Karier;

The Nez Perce Tribe Department of Fisheries Resources Management (Department) has several concerns with the Northwest Power and Conservation Council's (Council) draft recommendations for Fiscal Year (FY) '07 – '09 funding for the Fish and Wildlife Program (Program). We have general comments and have attached comments on specific proposals.

We concur with comments expressed by our Tribal Chairman on overarching aspects of the Program funding recommendations. We are especially troubled that the Council has sought to not push for full implementation of the mitigation responsibilities of the Program and instead set aside an allocation for Bonneville Power Administration (BPA) to meet its separate responsibilities under the Endangered Species Act (ESA). This region is blessed with extremely cheap river fueled power, but the rivers' inhabitants as well as their dependent human and ecological communities, are paying an inordinate price for that power. It should be the Council's primary responsibility to balance that price; and this decision does not reflect that.

1) **Unallocated placeholder** - The Council identified a $2 million placeholder for undefined purposes at the start of the project solicitation process. How does this placeholder relate to the ESA placeholder and the Innovative placeholder that the Council identifies in their draft recommendations? How many more project solicitations does the Council foresee to fully expend the $153 million budget?

2) **Amount unspent in FY2003-06 available in FY2007-09** - How will the Council utilize funds that will roll-over from the 2002-2006 Rate Case to the 2007-2009 Rate Case? When will the amount of roll-over funds, if any, be known? Depending on the answer, painful and damaging cuts in project budgets may be needlessly made.

3) **Proposal #200716500 - Relative abundance, distribution, and population structure of lampreys in the Columbia River Basin** – The Department strongly recommends funding this project at the level recommended by the Mainstem Systemwide Review Team (MSRT) ($500,000 annually). The MSRT ranked this project as High Priority, and indicated that it is important this project be closely coordinated with the other lamprey projects and the Lamprey Technical Work Group. We concur. The MSRT also noted that some members of the MSRT believed that this project should be Core Program project due to the lack of information available for lamprey in the basin. Further, Lamprey are at critically low levels in the Snake River Basin where the Nez Perce Tribe has traditionally harvested this culturally important species. Presence/absence and monitoring data are vital to assess the effectiveness of mainstem actions to improve passage and to gauge progress towards achieving harvestable populations in historic and traditional areas. Please see the attached letter dated September 29, 2006, from Columbia River Inter-Tribal Fish Commission Executive Director regarding this matter.

4) **Proposal 198906201 - CBFWA Annual Work Plan** - The Department recommends funding the Columbia Basin Fish and Wildlife Authority (CBFWA) Annual Work Plan at the level recommended by the MSRT ($2,071,450 annually). CBFWA's summary of its 2007-2009 Work Plan, describing the fish and wildlife managers' coordination products, amply justifies this level of funding.

5) **Proposal 200710600 and Proposal 200716200 - Spokane Tribe Fish and Wildlife Planning and Coordination and Kalispel Tribe Fish and Wildlife Coordination** – The Department recommends funding at the level recommended by the MSRT ($30,000/Tribe annually). We concur with MSRT's recommendation that these proposals be funded at a level consistent with other fish and wildlife managers receiving reimbursement through the CBFWA contract, and with the same level of accountability in reporting. The CBFWA model should be followed for reporting and receiving reimbursement for coordination activities under these proposals. If the Spokane and/or Kalispel Tribes choose to restore their membership to CBFWA, then the their repective allocations should be incorporated in the overall CBWA budget.

Thank you for consideration of these comments.

Sincerely,

David B. Johnson, Program Manager

Cc NPTEC

Proposal 199703800
Listed Stock Gamete Preservation Project

The Northwest Power and Planning Council (NPCC) Draft 2007-2009 funding recommendation for the Listed Stock Gamete Preservation Project (199703800) is for $65,000. This represents a reduction in scope to only the O&M of existing samples with no collection of additional samples. This NPCC staff-derived recommendation was based on a question of how this type of program fits into the overall program and its relative priority to other projects. We believe gamete preservation plays a vital role as a biological insurance policy in which collection from under-represented cohorts of essential populations during 2007-2009 is critical. We are seeking your modification of the NPCC Draft recommendation to support a level of sample collection during 2007 – 2009. This letter is in addition to technical comments supplied to Patty O'Toole on August 29, 2006 from Jay Hesse.

Background

The Listed Stock Gamete Preservation Project provides a unique and specific tool in the conservation of fish populations that are currently ESA listed and the focus of the Northwest Power and Conservation Council's Fish and Wildlife Program (Imnaha Subbasin Plan, 2004; Salmon Subbasin Plan, 2004). It is responsible for the largest fish gene bank in North America by directly collecting and cryopreserving Snake River populations of Chinook salmon and steelhead as well as maintaining storage of Kootenai River sturgeon, Kootenai River burbot, Columbia River coho, Pend Orelle Lake bull trout, and Yakima River Spring Chinook germplasm collected by other entities. Cryopreservation is consistent with the Council's belief that *"a new paradigm for hatcheries must be established, a paradigm in which the diversity of species and populations is emphasized and local needs are considered"* (APRE 2005). Similarly, this project is consistent with the program's goal to facilitate local adaptation by hatchery and natural population components (APRE 2004).

The primary function of this project is to provide management options (a biological insurance policy) during times of uncertainty in the long-term survival of salmon and steelhead in the Snake River basin. Although the project is unique to the Columbia River basin, gene banking gametes, embryos or seeds is an accepted and widespread conservation tool for critically endangered plant and animal species throughout the world (Guerrant et al 2004; Watson and Holt 2001). What sets this project apart from most gene banks was that it was begun prior to the populations/species becoming critically endangered, and this increases future management options by having a large store of genetic diversity available. APR (1999) stated "*populations that require preservation/conservation face imminent demise or extirpation and, in most cases, are listed under the federal Endangered Species Act. In these situations, without immediate protection, the population will be extirpated, and the genetic resource lost."* This is exactly what this project addresses, preserving the genetic resource before it is lost. In addition, the most critically endangered species in the Columbia River basin, Redfish

Lake sockeye, have adopted and utilized cryotechnology. In a 1997 Nez PerceTribe – National Marine Fisheries Service coordination meeting on the Nez Perce Tribe's cryopreservation activities, NOAA scientists acknowledged how beneficial it would have been to have had previously collected germplasm samples for use in the restoration efforts of Redfish Lake sockeye.

Conservation biologists recognize two methods of species conservation, *in situ* and *ex situ*. *In situ* conservation is the conservation of habitats and ecosystems with their constituent populations of species. *Ex situ* conservation is the conservation of species outside their natural habitat, such as zoos, botanical gardens and gene banks. *Ex situ* conservation has many recognized limitations, but also has many success stories (Guerrant et al 2004; Watson and Holt 2001).

The emphasis on *in situ* methods for salmon recovery in the Columbia River basin signifies the commitment of management entities to long-term species recovery. However, uncertainty exists regarding the ability of these actions to fully recover all populations within each evolutionarily significant unit (ESU). Consequently, numerous *ex situ* programs are ongoing, such as some forms of supplementation, captive broodstock programs and gamete cryopreservation. Article IX of the Convention on Biological Diversity (CBD 1992) states that *ex situ* methods shall be used "as far as possible and as appropriate, and predominantly for the purpose of complementing *in situ* methods". Thus, gene banks should not be viewed as a competing alternative to habitat preservation or recovery, but should be an integral part of a comprehensive management plan.

Integrating a gene bank into a comprehensive management plan should ultimately enhance the long-term survival prospects of salmon and steelhead in the Snake River basin. If nothing else, preserving gametes can reduce the slow erosion of genetic diversity associated with small population sizes or genetic bottlenecks. Without a gene bank, populations could reach a point where they will become irrecoverable, a grim prospect. The following contains a list of uses for gametes preserved in the gene bank, arranged in order from less to more intensive management, effort and cost.

1. Supplementation Programs

   a. Infusion of natural genetics into a hatchery population – prevents genetic divergence, and minimizes inbreeding and genetic drift (consequences of low effective population size - N_e) of a hatchery population without mining individuals from the endemic natural population.

   b. Short-term supplementation – supplementation program relying on local broodstock. Utilizing frozen gametes maintains adequate effective population size while minimizing inbreeding or genetic drift in the hatchery population, especially in years when males are at low abundance. This will also limit domestication selection during the hatchery propagation phase of the program.

2. Captive Broodstock Programs

Partial recovery using endemic egg source – recovery action taken when the continued effects of small population size has eroded genetic and/or demographic aspects of the population (essentially increases effective size of the population). Redfish Lake sockeye salmon are likely at this stage.

3. Reintroduction

   Full recovery using closely related egg source – endemic population has become functionally extinct. Use frozen sperm and an egg source from a closely related population to reproduce the endemic strain. Would likely proceed both with and without captive broodstock propagation.

The Nez Perce Tribe's Gamete Preservation Project has a goal of collecting and cryopreserving 500 gamete samples from at least two populations per subbasin (Major Population Group; MPG) in the Snake River basin for Chinook salmon and steelhead. Ideally, meeting this goal would be accomplished over a 5 year period if populations were at abundant levels. This is not the case with Columbia basin salmon and steelhead populations. Chinook salmon collections to date allow an analysis to determine the estimated duration of collections required to reach the goal (500 samples) for each population. Based on previous collections over the prior 13 years, the average time it will take to reach 500 samples is estimated to be 22 years (range 0 to 56 years). From this analysis it is clear that many more years of collections will be required to reach our stated goal. We understand this prolonged project duration has not been formally discussed in the context of the NPCC FWP or NOAA ESA recovery efforts and may not be attainable. However, failure to reach the goals would seriously limit the effectiveness of the gene bank and put all remaining genetic diversity at risk. In the near term, the 2007-2009 return years represent a critical sampling period to obtain equal representation of all Effective Brood Years (EBY) in a population (Young 2006). These under represented EBY are associated with the historic low return years of 1994, 1995, and 1996. Adequately discrete sampling of these under represented EBY will not exist after 2009.

Alternative Recommendations

It does not make biological sense to terminate the ongoing germplam collection efforts as a result of an arguably flawed provincial allocation and project selection process which played out for projects in the Multi-province category. This is especially concerning given the low predicted returns in 2007 and the unallocated dollars in the multi-province category. As such we offer three alternative recommendations (in priority order) for your consideration in funding the Listed Stock Gamete Preservation Project.

1) Continue to fund full collection effort 2007-09 with an added task to lead the effort to establish/consider the gene bank role in NPCC FWP and NOAA recovery planning forums/documents. **$308,447 annually (consistent with MSRT recommendation).**

2) Fund critical population collection activities[1] for the next three years (2007-09). With future collection support contingent upon 1) establishment of a gene bank role in NPCC FWP and NOAA recovery planning forums/documents and 2) reasonable cost share support secured for long-term collections[2]. **$244,513 annually. This funding level can be supported by the multi-province unallocated dollars ($548,891: 2007-09).**

3) Fund the O&M of existing samples plus one FTE to: 1) establishment of a gene bank role in NPCC FWP and NOAA recovery planning forums/documents and 2) coordinate sample collections via cost share opportunities. **$156,294 annually.**

References

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Guerrant, E.O., K. Havens and M. Maunder, eds. 2004. *Ex Situ Plant Conservation, Supporting Species Survival in the Wild*. Island Press, Washington D.C.

Imnaha Subbasin Management Plan, 2004. http://www.nwcouncil.org/fw/subbasinplanning/imnaha/plan/

[1] Critical populations are those that have established collections significantly less than the target number (500). In this case we will continue to collect from wild (priority) and hatchery populations that are represented by fewer than 250 samples in the gene bank (7/13 populations).
[2] Currently cost share support is received from the Lower Snake River Compensation Plan and in-kind support provided by the University of Idaho.

Salmon Subbasin Plan, 2004.
http://www.nwcouncil.org/fw/subbasinplanning/salmon/plan/

Watson, P.F. and W.V. Holt. 2001. Cryobanking the Genetic Resource, Wildlife Conservation for the future. Taylor and Francis, New York, NY.

Young, W. 2006. Salmonid Gamete Preservation in the Snake River Basin, 2005 Annual Report, Project No. 199703800, 52 electronic pages, (BPA Report DOE/BP-00004000-5)

For further information, contact Jay Hesse

Proposal 199801004
Monitor and Evaluate Performance of Juvenile Snake River Fall Chinook Salmon from Fall Chinook Acclimation Facilities project

The Northwest Power and Planning Council (NPCC) Draft 2007-2009 funding recommendation fails to recommend funding for the Monitor and Evaluate Performance of Juvenile Snake River Fall Chinook Salmon from Fall Chinook Acclimation Facilities project (199801004). This project is specifically required in the 2005 – 2007 Implementation Plan (2005-07 IP, pg. 48) for the Federal Columbia River Power System (FCRPS). The Bonneville Power Administration has committed to funding this project in 2007 (June 1st 2006 Delwiche letter to Whiting (NPPC)). We are seeking a NPCC recommendation that; 1) acknowledges this project's contributions to the BiOP and to the integrated approach with other projects to quantify population status, 2) provides funding ($371,780) from the BiOp placeholder monies, and 3) requires supplementation M&E adequacies to be resolved as part of the Supplementation M&E Programmatic issue.

This project provides critical population status data on Snake River fall Chinook salmon. In combination with projects 199801003 and 198335003 an index of Snake River fall Chinook salmon spawner abundance and distribution of spawners by conducting aerial redd counts is quantified. Failure to fund this aspect of the project would significantly reduce the applicability and power of the other two project's results. In addition, this project provides the core in-hatchery monitoring and post release performance assessments for Snake River fall Chinook salmon produced under project 199801005. As such, this project is critically integrated with three projects which are recommended for funding.

We are disappointed with the ISRP "Not Fundable (qualified)" rating of this project on three accounts; 1) the ISRP failed to recognize the essential integration of this project with other Fall Chinook production and M&E projects in providing data towards the full Snake River population (i.e. redd counts in three of seven major spawning areas), 2) the ISRP comments regarding fish health monitoring are only a minor portion of the projects activities, and 3) the ISRP is holding this basic implementation and compliance monitoring project responsible for the full supplementation effectiveness plan. We acknowledge the ISRP desire to have a single and clear plan for evaluating the effectiveness of Snake River Fall Chinook supplementation projects (bigger than the Snake River Fall Chinook Acclimation Facilities). As such we could commit to taking a leadership role in finalization of such a plan in concert with the NPCC programmatic recommendation to establish a regional supplementation monitoring and evaluation framework. We would further commit to restructure this project's activities to lead the fall Chinook salmon run-reconstruction activities which are core and essential for supplementation program effectiveness and natural population status monitoring. It is important to note the ISRP recommendation is qualified *("simply because 'they' realize that an adequate M&E component needs to be functioning"*) based on the need to continue the collection of this type of data.

Proposal 199801004 - Monitor and Evaluate Performance of Juvenile Snake River Fall Chinook Salmon from Fall Chinook Acclimation Facilities project (cont.)

The Blue Mountain province local group and OSPIT supported funding for this project as a high priority but was not able to include it within the budget allocation. They stated,

"*The Budget cannot accommodate this Bi-op designated project, however, if additional funding becomes available, consider funding this project as a high priority.*"

For further information, contact Jay Hesse

Proposal 199701501
Imnaha River Smolt to Adult Rate and Smolt Monitoring Project

The Northwest Power and Planning Council (NPCC) Draft 2007-2009 funding recommendation fails to recommend funding for the Imnaha River Smolt to Adult Rate and Smolt Monitoring Project (199701501). This project is specifically required in the 2005 – 2007 Implementation Plan (2005-07 IP, pg. 46) for the Federal Columbia River Power System (FCRPS) as one of four tributary monitoring sites within the basin intended to facilitate fish passage management decisions, including Biological Opinion implementation. The Bonneville Power Administration has committed to funding this project in 2007 (June 1st 2006 Delwiche letter to Whiting, Northwest Power and Conservation Council). We are seeking a NPCC 2007-2009 recommendation that; 1) acknowledges this projects contributions to the BiOP and to the Smolt Monitoring Project (198712700) and 2) provides funding ($324,987 annually) from the BiOp placeholder monies.

This project is a formal tributary specific (Imnaha River) trapping and marking project for the Smolt Monitoring Project (SMP) which is recommended for funding 2007 (Mainstem/Systemwide). This aspect of the SMP was separated from the main SMP proposal for contracting purposes in 1997. The Imnaha River Smolt Monitoring Project plays an essential role by providing PIT tagged natural origin Chinook salmon and steelhead for monitoring through the hydrosystem by the larger SMP project.

In addition, the Imnaha River Smolt to Adult Rate and Smolt Monitoring Project (199701501) receives considerable cost share assistance from the Lower Snake River Compensation Plan Monitoring and Evaluation Project conducted by the Nez Perce Tribe. Collective results from these two projects would provide the Technical Recover Team (TRT) with specific natural origin juvenile Chinook Salmon and steelhead production estimates and life stage specific survival estimates. These data types (performance measures) are called for in the Imnaha Subbasin Plan and considered essential (core) under the Northeast Oregon Hatchery Monitoring and Evaluation Plan. Quantification of these key performance measures enables assessment of Chinook and steelhead in-basin survival and productivity (smolt-per-female) and out-of-basin limiting factors.

The Blue Mountain province local group and OSPIT supported funding for this project as a high priority but was not able to include it within the budget allocation. They stated, "*The Budget cannot accommodate this Bi-op designated project, however, if additional funding becomes available, consider funding this project as a high priority.*"

For further information, contact Jay Hesse

Proposal 200724500
Protect and Restore Joseph Creek Watershed

During the local process in NE Oregon, this project and the other NPT DFRM Watershed projects were significantly reduced to a coordination role for the treaty territory of the NPT that goes beyond Joseph Creek. Given this, the Tribe would request the title of this project be revised to "Protect and Restore NE Oregon."

In addition, this project took a $56k/year reduction from 2006 levels. If any further funds become available to this province, such as through capitalizing certain projects, it is requested this project be given consideration to make up this amount.

For further information, contact Emmit Taylor Jr.

Proposal 199604300
Johnson Creek Artificail Propagaion Enhancement Project

The Northwest Power and Planning Council (NPCC) Draft 2007-2009 funding recommendation for the Johnson Creek Artificial Propagation Enhancement Project (JCAPE; 199604300) has an associated note *"fundable for one year at current production level (100,000) Address ISRP concerns during contracting."* We are seeking modification of the NPCC 2007-2009 recommendation comments to; 1) remove the one year funding constraint, and 2) acknowledge the NPCC Step 3 approval acknowledged adequate response to ISRP concerns.

As you're aware, the JCAPE project successfully completed the NPCC 3-Step Process on December 15, 2005 (December 16, 2005 letter from Doug Marker to Bill Maslen - attached). The 3-Step Process involved an intense scientific and management scrutiny and review involving the NOAA Fisheries ESA Section 10 Permit Application process and several reviews by the ISRP.

We object to the ISRP recommendation of fundable in part for one year (FY07) with subsequent annual funding was contingent on: (a) reporting of monitoring results and evidence of adaptive management decisions justified by the results, (b) analyze and report on extinction risks, and (c) review of annual report by an independent team.

The JCAPE project has been reporting monitoring results and, in fact, submitted an eight-year summary report to BPA on July 14, 2006. Annual reports for the JCAPE project are due to BPA by January 31st of each year as part of the contract between the NPT and BPA. Contained within the summary report and annual reports are recommendations relative to the adaptive management of the project. The Nez Perce Tribe has the technical expertise to implement the funded portions the ISRP approved M&E plan and is fully committed to an informed adaptive management process that involves fisheries co-managers: Nez Perce Tribe, Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, and NOAA Fisheries.

A risk of extinction analysis has been done by several different entities in the past few years. In 2005, NOAA Fisheries concluded their Final Listing Determinations (NOAA 2005a) and Hatchery Listing Policy (NOAA 2005b) and determined that the Snake spring/summer Chinook salmon ESU (including the Johnson Creek natural and hatchery origin population) was "likely to become endangered in the foreseeable future." More recently an assessment of population status was conducted by the Interior Columbia Technical Recovery Team (ICTRT 2006). The ICTRT concluded that the East Fork/Johnson Creek population is at High Risk for abundance and productivity attributes. The minimum abundance threshold that the ICTRT established for East Fork/Johnson Creek was 1,000 fish. The observed 10 year geometric mean for the population was 321 fish. We are uncertain how the resources spent in yet another extinction risk assessment would be beneficial.

Proposal 199604300 – Johnson Creek Artificail Propagaion Enhancement Project

The JCAPE project is important to the Nez Perce Tribe and should also be to the NPCC and BPA. It was identified by NOAA Fisheries as a "safety net" project – a project to prevent extirpation of a population – in the 2000 FCRPS BiOp, it is agreed to by the co-managers and as such is identified in the U.S. vs. Oregon 2005-07 Interim Management Agreement, it is recommended in the Salmon River Subbasin Plan adopted by the NPCC, it is currently the only supplementation project occurring in the Salmon River Subbasin for summer Chinook salmon, and it is likely to be a part of the FCRPS Remand Proposed Action. The ISRP requests or comments are primarily management process oriented (beyond the scope of ISRP role) not whether the project is scientifically credible. We are concerned that nature of these comments reflect a lack of respect and trust in the Nez Perce Tribe to follow through on the adaptive management process provided in the Step 3 documents. We reiterate that we have satisfied the scientific concerns and issues raised by the ISRP in the NPCC 3-Step Process and that should be reflected in the NPCC 2007-09 funding recommendations.

For further information, contact Becky Johnson

Proposals 199901500 & 200207000
Big Canyon Fish Habitat & Lapwai Creek Anadromous Fish Habitat

These 2 projects are sponsored by the Nez Perce Water and Soil Conservation District. Although these are not sponsored by the Tribe, the 2 district projects are closely connected with 2 Tribal projects, #199901700 – *Protect and Restore Lapwai Creek* and #199901600 – *Protect and Restore Big Canyon Creek*. The district's projects focus on private land and the Tribe's projects on Tribal land. It is critical that habitat restoration and protection occur on both land ownerships. The Districts projects have not been allocated funding in the draft recommendation by the NPPC. The Tribe understands the District is working hard to get these projects back on the table. The Tribe supports the district's efforts to get funding and continue these projects.

For further information, contact Emmit Taylor Jr.

Proposal 200205400
Protect and Restore Asotin Creek Watershed

This is an on-going road decommissioning and watershed restoration project that began in 2002. During the last provincial review, the Nez Perce Tribe (NPT) wanted to become involved in the watershed restoration effort in Asotin Creek due to its important fishery and the historical and contemporary importance to the Tribe. At that time, the Tribe approached the Asotin County Conservation District (ACCD) and the USFS to ask how we could get involved and fill any gaps where restoration was lacking. The ACCD was doing great work but one area that was not being addressed was sedimentation problems from road related sources in the headwaters. The Tribes DFRM Watershed program has many years of experience in this area and is what we proposed and got funded for. Since that time, the Tribe has worked very hard in getting that project implemented and has achieved many accomplishments. A brief presentation that details the work that has been accomplished to date, the roads planned to be decommissioned during 07-09, and the amount of sediment that would be eliminated from entering streams by the project is attached. The presentation shows that there is indeed much more work to be done through transportation plans developed by the Tribe and the USFS in the Charley/Lick Creek and the South Fork of Asotin Creek areas, which identifies road decommissioning projects for 07-09. In the Charley Creek area, there is approximately 6 miles of road remaining to be decommissioned, and there is about 46 miles of road ready for decommissioning in the South Fork of Asotin Creek (see attached presentation).

In the 07-09 provincial review, the Tribe put forth an expanded road decommissioning project and a fish passage assessment for the entire watershed. The Tribe understands that the expansion could not go forward with the budget cut to the Asotin Subbasin, but it is with great disappointment to the Tribe that the NPPC cut this project in its entirety with the NPPC draft project selection. In a letter from NPCC members Tom Karier and Frank Cassidy Jr. to the director of the Snake River Salmon Recovery Board (SRSRB) Steve Martin dated January 31, 2006, the council members asked Mr. Martin to lead a local project review for the Asotin Creek Subbasin in an effort to inform council members on which projects would ensure the best work for fish and wildlife in the State of Washington. As a result of this request, several meetings were convened to discuss and rank projects in the Asotin Creek watershed. The Nez Perce Tribe assisted in the development of these meetings due to the fact that the Tribe, along with the ACCD, was co-lead in the development of the subbasin plan. In a letter dated June 16, 2006 from the SRSRB to the council members, the results of the local group process for the Asotin Creek Subbasin were provided, in which all projects were given a high priority status. Unfortunately, the local group was not given a budget allocation to work towards, so the budgeting exercise could not be undertaken at that time. In the letter from the SRSRB, it was strongly urged that when this exercise was to occur, the local groups be engaged because they have the most knowledge about the specific projects and their benefits to focal species.

Proposal 200205400 – Protect and Restore Asotin Creek Watershed (cont.)

It is with great concern to the NPT that the council did not comply with the request from the SRSRB and the local groups of SE Washington. It is the belief of the Tribe that if the Asotin Subbasin was given a target budget to work towards, the ACCD, the Tribe, and the WDFW would have given all projects a hard look and came to an agreement on a budget where all projects would remain. Unfortunately, this did not occur and it is our understanding that none of the subbasin players was ever consulted, and the NPPC made a unilateral decision to fund both ACCD projects (almost at full request), both WDFW projects and cut the Tribes project completely.

The Tribe believes that all the on-going projects in the subbasin are worthwhile and good projects, but of greatest concern to the Tribe is that the ACCD project #200205000, *Continued Riparian Buffer Projects on Couse/Tenmile Creeks*, was almost completely funded (07-09 request = $240k/year; draft allocation = $233k/year) while the Tribe's project that is completely within the Asotin Creek watershed and works in priority reaches as defined both by the subbasin plan and the Draft Recovery Plan for SE Washington was not funded at all. It is our understanding that the NPCC is giving weight to projects that follow these plans, and we would like to point out some very important information we feel the NPCC needs to take into consideration.

The Tribe does not want to discount the good work that the ACCD has done in Couse/Tenmile Creeks, but when funds are limited, the Tribe believes projects based on biological needs of the fish need to be taken into consideration first and good projects in priority watersheds need to be funded. In the Asotin Subbasin Plan it states, "<u>the relative contribution of Tenmile to the overall population of steelhead in the Asotin Subbasin is small</u>…the lack of resources…did not allow for EDT assessment on Couse Creek….the results from EDT on Tenmile can generally be applied to Couse Creek." (pg 60) It was recognized by the subbasin plan the potential importance of Tenmile Creek sub-population to genetics or sustainability of the Asotin population, and for this reason <u>one</u> reach (Tenmile4) was given status as a priority area. In regards to Couse Creek, the management plan states, "this area supports a small steelhead population….<u>Couse Creek is not a priority for funding at this time</u>." (pg 155)

In comparison, Asotin Creek has been identified as a wild steelhead reserve by the Washington Department of Fish and Wildlife. The latest October 2005 *Draft Snake River Salmon Recovery Plan for SE Washington* identified Major Spawning Aggregations (MSA) and Minor Spawning Aggregations (mSA), in which the Asotin Creek watershed is a MSA and the Couse/Tenmile systems mSA (pg 17). In addition, the draft recovery plan identified priority reaches in the Asotin Subbasin. It identified Charley Creek, Asotin Creek, NF Asotin Creek and Lower SF Asotin Creek as priority reaches, while <u>Couse and Tenmile Creeks are not listed as priority reaches</u>. The draft recovery plan goes on to state, "<u>reaches supporting greater numbers of listed fish species or stocks take precedence over those supporting fewer listed populations</u>." The Tribe has also been engaged in the BiOp Remand process. In this forum, six populations have been identified as "must haves" for Snake River Steelhead. They are Lolo Creek and the Lower

Proposal 200205400 – Protect and Restore Asotin Creek Watershed (cont.)

Clearwater in the Clearwater Subbasin, Imnaha River, Upper Grande Ronde, and the Tucannon River and Asotin Creek in SE Washington.

The Tribe's project has focused on reducing sediment delivery from road sources through decommissioning in the Charley Creek area and in the 07-09 plans to move next into the South Fork of Asotin Creek for the 07-09 period (see presentation). In the Asotin Subbasin Plan, Charley and SF Asotin Creek areas are identified as High Protection and Restoration Potential Restoration Geographic Areas for the Asotin Creek Watershed (pg 57). The subbasin plan has Charley Creek and the Lower South Fork Asotin as Restoration Priority Geographic Areas and Upper SF, Charley Creek listed as Protection Priority Areas (pg 59). The EDT analysis performed in the subbasin plan, the draft recovery plan, as well as many other assessment documents, lists sediment as a primary limiting factor throughout the Asotin Subbasin (pg 59 of the subbasin plan; pg 24 of the draft recovery plan summary). The subbasin plan identifies road decommissioning as a treatment to address this sediment problem (see proposal narrative). The Tribe has completed an analysis of the road network in the SF Asotin Creek, and it shows that 40 tons of sediment is being delivered to the stream channel every year (see presentation). Through this project, the Tribe would be working to eliminate this sedimentation.

Given all this, it is surprising to the Tribe that the council would almost fully fund the Couse/Tenmile project, even though only one reach is given priority status in Tenmile Creek and Couse Creek is not given priority for funding at all, over the Tribes project that works completely within Asotin Creek and in priority reaches as defined by both the Asotin Subbasin Plan and the Draft Snake River Salmon Recovery Plan. It is the Tribe's perspective that continuing good watershed restoration work in priority areas should take precedence. The Tribes project fits well with the ACCD Asotin Watershed project (project #199401805) that focuses on priority reaches in the lower sections on Asotin Creek and the M&E project by the WDFW (project #200205300). The synergistic effect of all projects is much greater than each project individually.

The Tribe understands the great difficulty in determining which projects will be funded and their budgets given the cut to the Asotin Subbasin. If it is the NPCC's true desire to fund projects that have the greatest benefit to fish in the State of Washington, the Tribe would ask the council to reconsider their decision to not fund this very important project. The Tribe has worked very hard since the project started in 2002 to get the project up and running and has accomplished many good decommissioning projects (see presentation). The project leader has coordinated with the Washington Department of Fish and Wildlife to begin planning and restoration on their properties. If the project is eliminated, this important work will be compromised. In addition, if the project is completely cut, it eliminates the Tribe's ability to go after alternative funding to fill budget gaps. If the project would at least be funded at the 2006 level, it would allow the Tribe to continue work and apply for other grants. The DFRM Watershed program has been very successful in bringing other funding sources to partner and cost-share with BPA funds.

Proposal 200205400 – Protect and Restore Asotin Creek Watershed (cont.)

The Tribe sees two possible solutions, but before these are presented the Tribe would like to make a clarification. During the conference call between the NPCC staff and the NPT on October 2, 2006, it was stated by Stacey Horton that the funding decisions were budget based and that she thought the ACCD's Tenmile/Couse project was ranked 4a and the Tribes project 4b. This is not right. Both projects received the same score and ranking (please refer to letter from SRSRB and comments made by the Tribe). If the decision was completely budget based, one solution would be to split the funding evenly between the 2 projects ($116.5k/year each). Given the importance of Asotin Creek compared to Tenmile and Couse Creeks as determined in the Subbasin Plan and draft recovery plan, the Tribe would request its project be funded at its 2006 level ($128,400). Another way this could be accomplished would be for it to be funded out of the budget left on the table for Remand projects.

Again, the Tribe appreciates this opportunity to comment on the draft project selection and budgets and the Tribe hopes the NPCC will take a hard look at this issue. It is one thing to get a reduction in funding and another to completely defund a project entirely. On this very important project, the Tribe requests a conference call meeting with NPCC Washington members and staff to see if a solution can be found before the October 15-16 council meeting to finalize the projects and budgets.

For further information, contact Emmit Taylor Jr.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
729 NE Oregon, Suite 200, Portland, Oregon 97232 503 238 0667

September 29, 2006

Mr. Steve Wright
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905 NE 11th Ave., A-7
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U.S. Army Corps of Engineeers
Northwestern Division
PO Box 2870
Portland, OR 97208-2870

Messrs Wright, McDonald and General Martin:

As you may know, the Northwest Power and Conservation Council has issued a draft decision recommending severe cuts to lamprey evaluation and restoration projects sponsored by our member tribes as well as a major joint collaboration among our member tribes, the Fish and Wildlife Service and the U.S. Geological Survey.

In January of 2002, eleven conservation organizations in Oregon, California and Washington petitioned the US Fish & Wildlife Service, under the federal Endangered Species Act, to list four species of lampreys including Pacific lamprey as threatened or endangered.

In October of 2004, tribal members and staff as well as officials from both state and federal agencies including the Regional Director of BOR and the Commanding Officer of the Pacific Northwest Division of the Corps met for an entire day to discuss the proposed listing of Pacific lamprey. At that time, along with other participants, Bob Lohn of NOAA noted that immediate action was critical as a means to avoid ESA listing and the inflexibility that a listing would produce.

In December of 2004, the Fish and Wildlife Service declined to list Pacific lamprey. While the Service found that the petitioners had documented a reduction in the species' range and numbers, they had not provided information describing how the portion of the species' petitioned range

(California, Oregon, Idaho and Washington) or any smaller portion was appropriate for listing under the Endangered Species Act.

As you certainly know from our previous communications, over 50% to 80% of adult lampreys do not successfully pass each mainstem FCRPS dam. In 2006, only thirty-seven lampreys passed Lower Granite Dam. Available population information indicates continuing declines in recent years.

Because of your interest in the status of Pacific lamprey, the effect that a listing could impose upon the mainstem dams, and to avoid management conflicts among our member tribes, Pacific Northwest States, and your offices, I would urge you to contact the NPCC and suggest that a recommendation to cut lamprey restoration and evaluation projects is imprudent at this time. Regardless of the Council's action, the Commission and its member tribes intend to seek funds from the Corps, BOR and BPA to continue this important work.

Sincerely,

Olney Patt Jr.

Olney Patt, Jr.

Cc: Governor Ted Kulongoski
Governor Christine Gregoire
Governor James Risch
Governor Brian Schweitzer
NPCC Melinda Eden
NOAA Fisheries Bob Lohn
U.S. Fish and Wildlife Service: Ren Lohoefener, Acting Regional Director
Fish and Wildlife Committees

Nez Perce Tribe

Road Decommissioning

Asotin Creek

Watershed

Umatilla National Forest

Asotin Subbasin Plan Key Limiting Factors

EDT Analysis: habitat diversity, key habitat by life stage, sediment and temperature are the most common limiting factors in the Asotin Subbasin

LFA: Sediment, confinement, pools and temperature

Subbasin Summary: Water quality, riparian function, sedimentation, instream habitat, passage and non native species

Model Watershed Plan: Sediment, pools, LWD density and temperature

Bull Trout Recovery Plan: LWD, temperature, sediment, bank stability, loss of riparian and passage

Background

In 2002 the Nez Perce Tribe (NPT), with assistance from the Asotin County Conservation District, began a cooperative project working with the Umatilla National Forest (UNF).

Project focus is on

* Addressing sediment from roads in the headwaters
* Roads no longer critical to the forest's transportation system

The UNF has limited funding

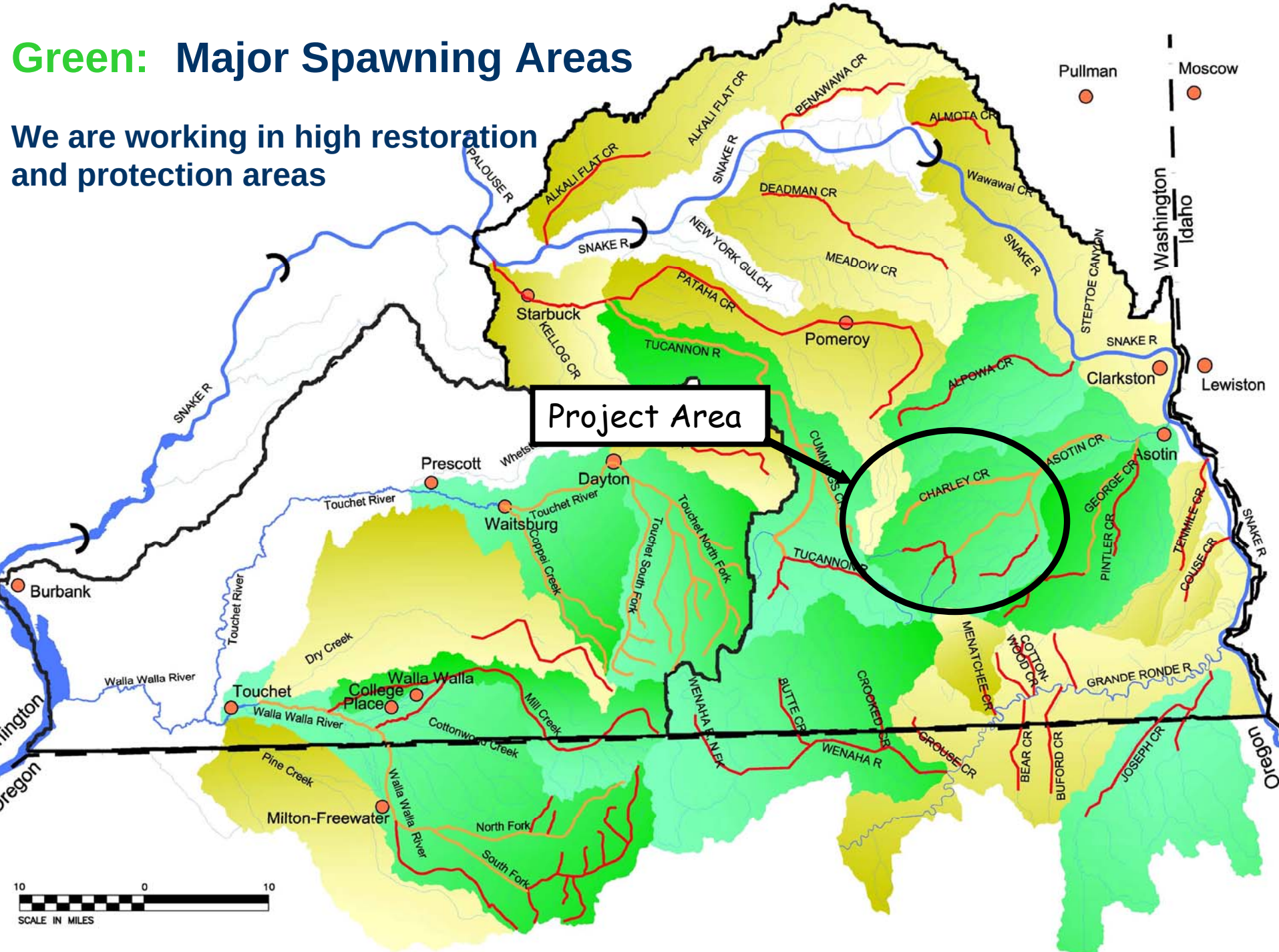
The NPT and the UNF cooperatively began in 2003

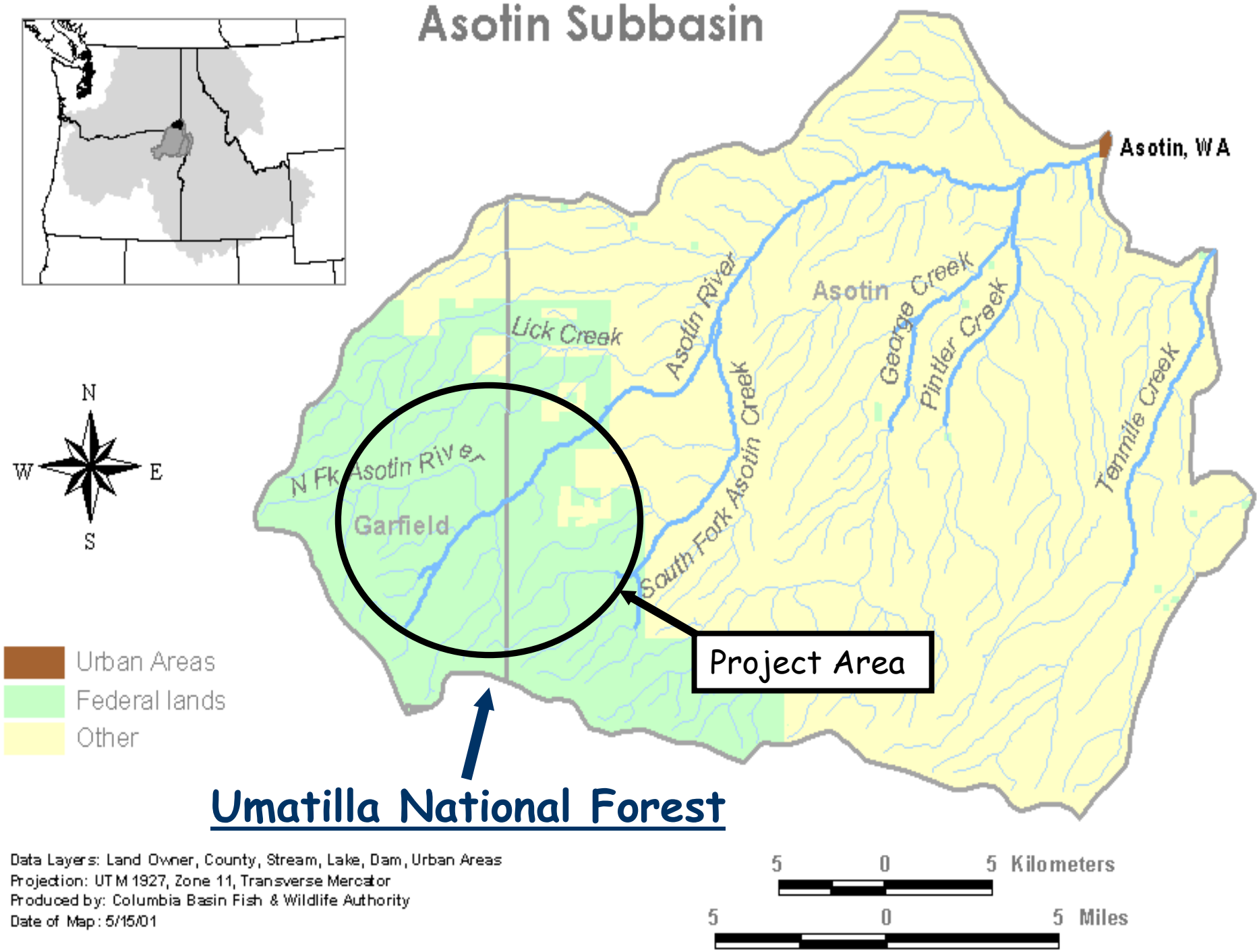
* Prioritizing roads to be decommissioned
* Began on-the-ground work

Here's what we've been up to:

Green: Major Spawning Areas

We are working in high restoration and protection areas

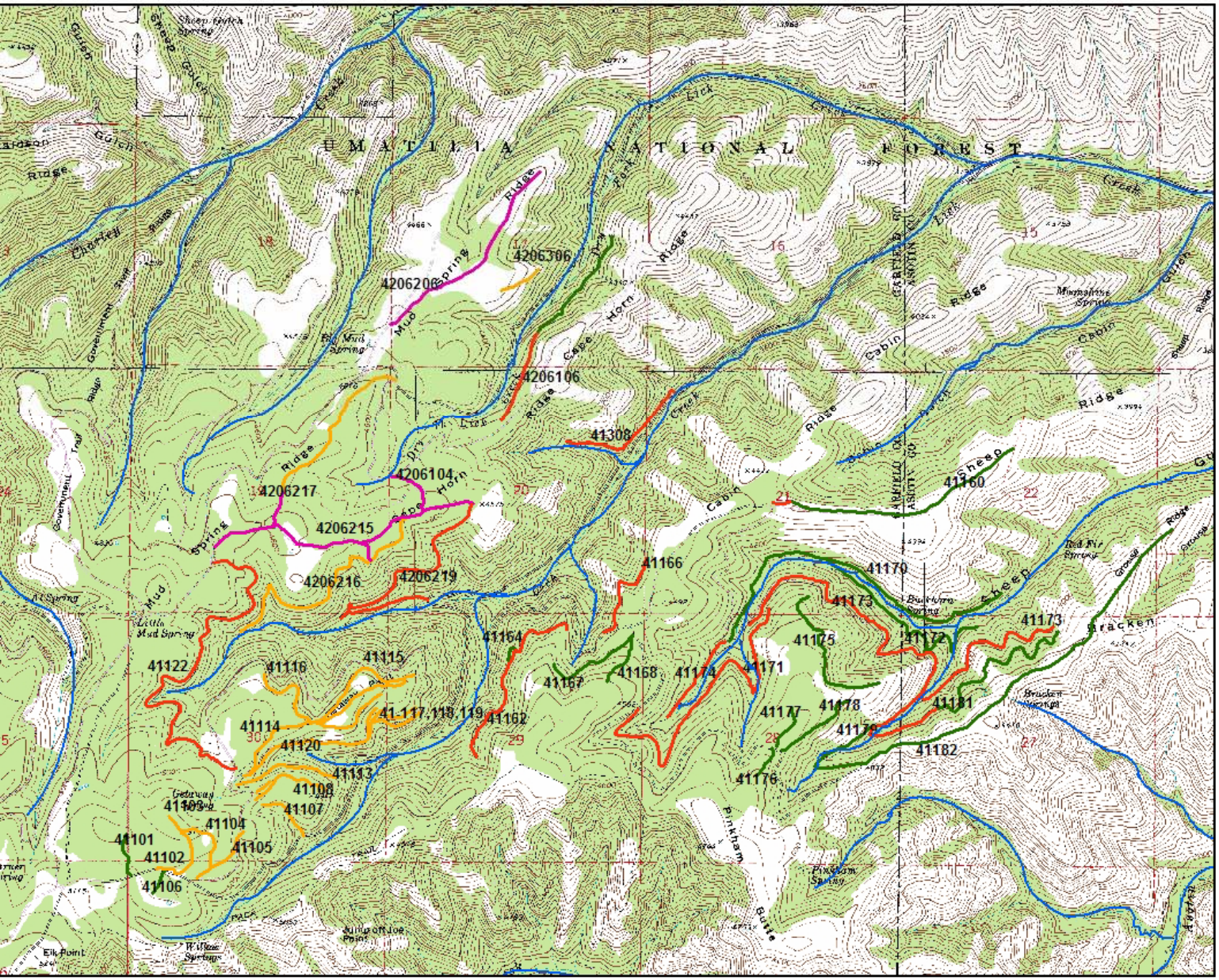



Asotin Subbasin
Asotin, WA
Lick Creek
Asotin River
Asotin Creek
George Creek
Pintler Creek
Tenmile Creek
N Fk Asotin River
Garfield
South Fork Asotin Creek
Project Area
N
W
E
S
Urban Areas
Federal lands
Other
Umatilla National Forest
Data Layers: Land Owner, County, Stream, Lake, Dam, Urban Areas
Projection: UTM 1927, Zone 11, Transverse Mercator
Produced by: Columbia Basin Fish & Wildlife Authority
Date of Map: 5/15/01
5 0 5 Kilometers
5 0 5 Miles

2003 Accomplishments

- 21 miles total of road decommissioned
  - 9.7 miles recontoured back to natural condition
  - 2.5 miles sub-soiled for revegetation
  - 9.1 miles blocked and left to natural regeneration
- 30 acres planted with seed native to the area
- NPT contribution: $25,000 to perform machine work
- Forest's contribution: $10,000

Protect & Restore Asotin Creek Watershed
Road Decommissioning - 2003
Lick Creek Subwatershed



Legend

- natural_processed_03
- riley_ripseeded_03
- remaining_roads
- recontoured_03

N
W E
S

0.26.125 0 0.25 Miles

Reseeding

2004 Accomplishments

- Work begins on Charley Creek Project Area
- NPT surveys and recommends 18 miles of road
  - high sediment contributing problem areas
  - some directly crumbling into Charley Creek
- NPT begins M & E of decommissioned roads
- On-the-ground work delayed till 2005
  - new Forest Contracting process
- Forest Contribution: $23,000 lost because of Forest delay
- NPT Contribution: $25,000 carried over for 2005 season

2005 Accomplishments

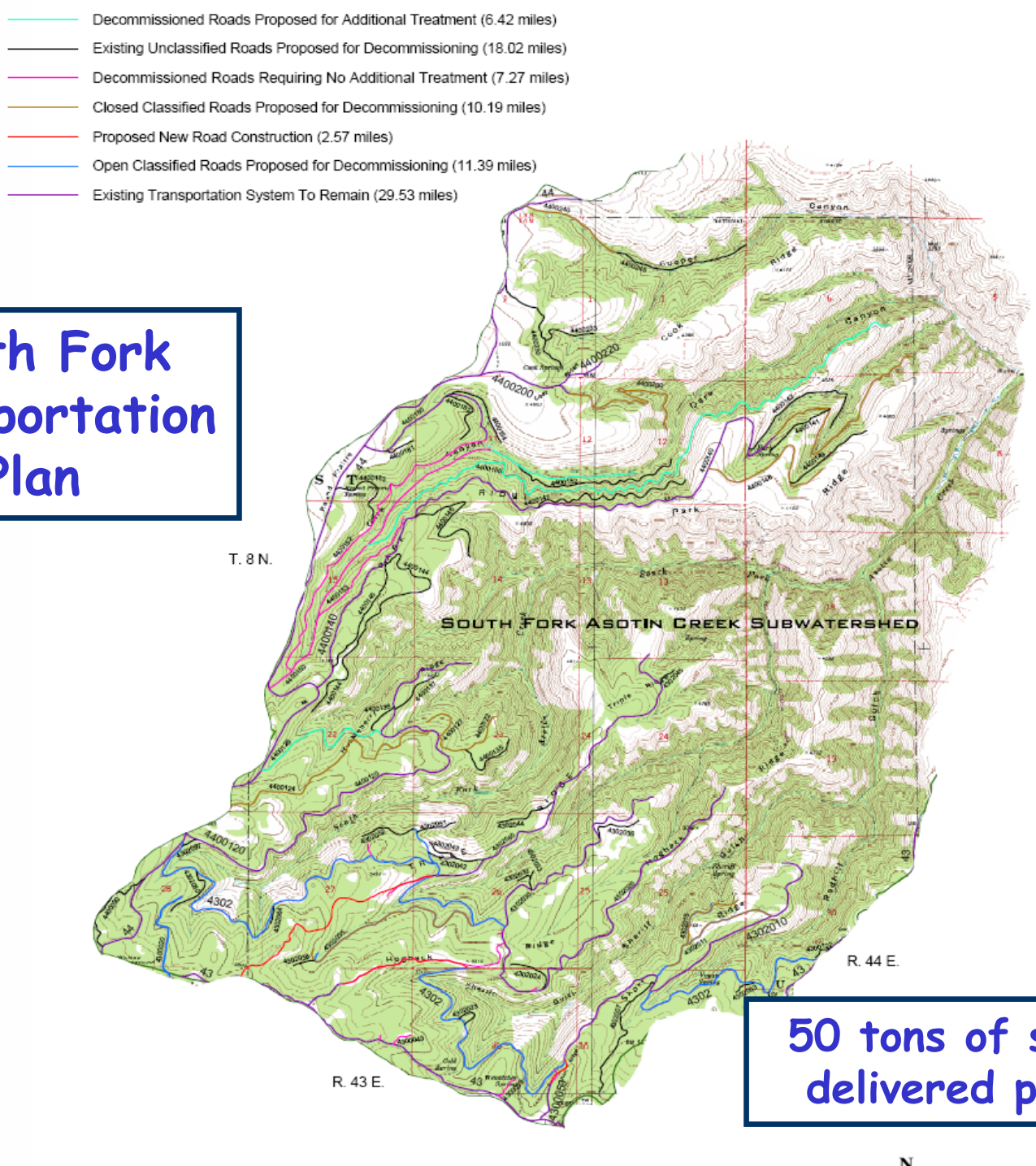
- 17 miles of road decommissioned in Charley Creek area
  - restored 3 large sections of streambank eroding directly into stream
  - placed 36 pieces of LWD and 61 pieces of rock to enhance fish habitat
  - replanted 30 acres with native vegetation
  - **School Fire** shuts down project for the season
- Monitoring and Evaluation
  - Road decommissioning
  - Stream Sedimentation studies for restoration evaluation
- 40 miles of roads in S. Fork surveyed and identified for treatment
  - WEPP Analysis results - **50 tons of sediment** entering South Fork each year!
- On-the-ground funding
  - Forest contribution: $18,500
  - NPT contribution: $50,000 with unspent funds carried over to 2006

Machine work in progress

Charley streambank restoration
in progress
315C CAT
07.13.2005

Recontoured road from
2003 decommissioning

South Fork Transportation Plan



50 tons of sediment delivered per year

2006

- Forest unable to complete NEPA process (completion this winter)
- Forest decides to return to Charley Creek area uplands for phase II of decommissioning in that area
- 20 miles of road scheduled for treatment
- Machine work scheduled to begin in late summer after logging
- Columbia Complex Fire shut down project
- NPT contribution: Almost $50,000, including carryover from 2005
- Forest contribution: 0 (only in-kind) They have hard dollars to contribute due to budget cutbacks

What's at Stake

- Almost $50,000 of implementation funds
- Two years of in-depth surveying and treatment prescriptions
- Three years of M&E Analysis and baseline studies
- Future sedimentation reduction through road decommissioning
  - North Fork/George Creek headwaters
  - WDFW properties adjoining the Forest
- Loss of restoration momentum
- Loss of Tribal participation in salmon recovery and watershed planning efforts in Southeast Washington