



## COEUR D'ALENE TRIBE

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REFERENCE:

February 7, 2003

Mark Walker, Public Affairs  
Northwest Power and Conservation Council  
851 SW Sixth Ave., Suite 1100  
Portland, OR 97204

RE: Doc. 2002-16: Draft Mainstem Amendments

Dear Mr. Walker:

The Coeur d'Alene Tribe would like to take this opportunity to comment on the *Draft Mainstem Amendments to the Columbia River Basin Fish and Wildlife Program, Document 2002-16*.

### General Provisions

As a preliminary matter of scope, we want to make sure the Council understands that Coeur d'Alene Tribal mitigation efforts are rooted in the loss of anadromous fish resources to the construction and operation of mainstem hydroelectric facilities (Chief Joseph and Grand Coulee Dams) and that as such these losses must be appropriately identified as mainstem impacts. The Program's protection, mitigation and enhancement provisions are nowhere more applicable than in the "Blocked Area," where anadromous salmon have been entirely extirpated and wildlife habitat permanently inundated, to accommodate operation of the mainstem for power production.

Therefore, our recommendations for the Blocked Area are entirely appropriate for formal adoption into the Mainstem Amendment, and we ask the Council to use this opportunity to formally adopt into the Program the UCUT and Coeur d'Alene Tribe recommendations that were deferred when the Council adopted its 2000 Basinwide provisions.

We commend the "vision" language in the Council's draft, as well as the Council's habitat focus, based on protection, enhancement and restoration, and, especially, *mitigation*. We like the plan's emphasis on protecting and restoring mainstem spawning and rearing habitats and populations, particularly in the historically highly-productive mainstem and tributaries above Chief Joseph Dam, where anadromous fish runs have been extirpated.

We support objectives and performance standards to protect, enhance and restore habitat connectivity, as well as expansion of complexity and range of habitats. We request the Council specifically emphasize the need to reconnect the vast range of habitat in the Blocked Area to the

rest of the mainstem. To this end, **we endorse** language in the draft **requiring, where feasible, pursuit of restoration of anadromous fish into mainstem areas blocked by dams and further ask that this initiative receive priority in implementation efforts.**

The current program goal for resident fish emphasizes the long-term sustainability of native fish in native habitats where possible, but also recognizes that *where impacts have irrevocably changed the native ecosystem*, we can only protect and enhance the ecosystem that remains. This system wide goal has implications for all resident fish program measures and this principle should be maintained with emphasis to ensure flexibility in implementation continues to be maintained in the heavily impacted blocked areas.

**We request that the Blocked Areas behind Grand Coulee be prioritized for mitigation, funding, and implementation.** The Blocked Areas are the headwaters of the system, where disproportionately large impacts have been endured with disproportionately small mitigation. The Blocked Areas hold tremendous potential to boost systemwide biological productivity and ecosystem connections.

We request that the Program continue to “accord highest priority to rebuilding to sustainable levels weak, but recoverable, native populations injured by the hydropower system, when such populations are identified by the fishery managers and to resident fish substitution measures in areas that previously had salmon and steelhead, but where anadromous fish are now irrevocably blocked by federally operated hydropower development” (10.1B). Because these losses continue to remain heavily under mitigated and because in-kind mitigation is not likely to be realized in the immediate future, the Council should continue to require that any relevant subbasin plans and associated project ranking and selection process clearly distinguish and prioritize projects and measures that address these “unique losses”. This is of particular importance with respect to the implementation of the Program under the constraints and limitations of the current biological opinions.

We specifically place emphasis on **retaining the following language** from Section 10 of the 1994-95 Program:

Section 10.1 “Additionally, it is the Council’s expectation that these fisheries shall be enhanced to allow for consumptive subsistence and recreational fisheries for the region’s Indian tribes, as well as consumptive and non-consumptive recreational fisheries for sport anglers.... A number of resident fish populations throughout the basin are depressed to an extent that they require immediate attention. To be effective, the fish and wildlife program must focus on funding measures that provide immediate on-the-ground benefits to fish and wildlife.”

The substitution of resident fish to make up for losses of anadromous fish in areas now permanently blocked to salmon and steelhead reflects the Council’s resolve to address complex, long-term problems. Historical records show that the Columbia River Basin Indian tribes relied extensively on salmon and steelhead, and the permanent loss of these resources has had incalculable impacts on tribal economies, cultures and religions.

Section 10.8: “In its analysis of the contribution of the hydropower system to salmon and steelhead losses (see Council documents 87-15, 87-15A and 87-15B), the Council has addressed the extent to which resident fish substitutions should be used to mitigate losses of salmon and steelhead production in these areas. The Council has concluded that: 1) mitigation in blocked areas is appropriate where salmon and steelhead were affected by the development and operation of the hydroelectric projects; 2) to treat the Columbia River and its tributaries as a system, resident fish substitutions are reasonable for lost salmon and steelhead in areas where in-kind mitigation cannot occur; and 3) flexibility in approach is needed to develop a program that complements the activities of the fish and wildlife agencies and tribes and is based on the best available scientific knowledge”.

### Specific Measures and the Revised Transition Provisions

The Coeur d'Alene Tribe strongly emphasizes the necessity of maintaining specific measures adopted into the 1994-95 Program, and subsequently carried forward through the 2000 Basinwide Framework Amendment. To be explicit, **we request that all Section 10.8 and Section 11 measures that remain unfulfilled continue in full force and effect, be formally adopted into the Mainstem Amendment, and be elevated to highest priority for implementation.** These measures incorporate resident fish and wildlife mitigation and substitution; habitat and passage improvements; habitat acquisition, enhancement and management; stock and population status studies; field monitoring and analysis; and related activities to address biological conditions unique to the Blocked Area.

Biological justification and rationale for these measures has been presented thoroughly in previous Program Amendment cycles. Supplemental scientific information will be provided to the Council upon request. We specifically recommended these measures during the Council's 2000 solicitation of recommendations. If the Council chooses not to accept our recommendations, the Northwest Power Act would require the Council to fully explain, in writing, why it acted in opposition to the recommendations of the tribes.

These measures should be retained in their entirety. They should not merely remain in effect until subbasin plans have been adopted. Rather, **these essential PM&E measures should be the centerpiece of subbasin plans in the Blocked Area**, and those plans should be built around Blocked Area mitigation principles and previously-adopted measures to move the principles into action. Subbasin planning incorporates goals broader than the Program's focused intent on addressing hydropower impacts. And subbasin plans are still out in the future, vulnerable to funding and other uncertainties. The measures previously adopted for the Blocked Area need timely implementation to avoid pushing more species onto the endangered list and losing ground in recovery and mitigation.

So, while we appreciate the Council's recognition of the need to retain measures pending the adoption of subbasin plans, we take our recommendation a step further and ask that **Blocked Area measures be amended into the Program as a permanent feature until measures are fully addressed through complete implementation and attainment of the relevant biological objectives and strategies.**

**We specifically request the proposed continuation of the biological objectives and strategies outlined for Coeur d'Alene Reservation Tributaries.** These biological objectives and strategies are focused directly upon improvements to dwindling native salmonids populations and their habitats, which are entirely consistent with the biological foundation of the 2000 Fish and Wildlife Program. **In specific, measure 10.8B.20 should continue to be retained within the Program and fully implemented until the biological objectives and strategies identified in 10.8B for tributaries of the Coeur d'Alene Reservation are fully realized. In addition, Table 11-4 highlighting wildlife habitat losses attributable to the construction and inundation of Albeni Falls Dam should be maintained and strategies and actions to address these losses should be specifically incorporated by measure into this amendment.**

We also support the deletion of the three-year sunset clause from the 2000 Program's Transition Provisions.

### Conclusion

Again, the Coeur d'Alene Tribe strongly supports the proposed provisions of the draft mainstem amendment that require continued implementation of the 1994-95 Program measures not directly superceded through the current rulemaking effort (p 45 lines 26-41). More specifically, we reiterate the fact that the inclusion of specific measures and strategies directly oriented in the protection, mitigation and enhancement of FCRPS impacts be specifically prioritized in all future implementation and planning efforts. This should include clear deference to retaining these specific measures as priority under the ongoing subbasin planning process. Project and implementation specific measures contained within the mainstem or subbasin level plan developed through this process should give express deference and recognition to all such measures described in the 1994-95 Program.

Under the provisions of the Federal Power Act, it is mandated that the mitigation program be inclusive of specific measures that protect, mitigate, and enhance fish and wildlife and their habitat to the extent impacted by the FCRPS. In addition, deference must be given to those measures that address Tribal losses and prove consistent with the current and future management goals and objectives of the Basin's Tribes.

We will appreciate the Council's careful consideration of our comments. If for any reason the Council feels it cannot amend the Program as we have requested, please arrange consultation between Northwest Power Planning Council Members and the Coeur d'Alene Tribe **prior to adoption of the final amendment.**

Sincerely,

Robert A. Matt, Wildlife Manager