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May 14, 2010

Mr. William C. Maslen
Manager, Fish and Wildlife Division
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

Dear Mr. Maslen:

The purpose of this letter is to advise you of the Council's decision on a Columbia River Fish Accord proposal. This recommendation was made by the Council at its meeting on May 12, 2010.

In addition, a purpose of this letter is to inform the project sponsor and other interested parties of the status of this Council action. The following is a summary of the action taken by the Council at the meeting in January.

Upper Columbia Nutrient Supplementation, Project #2008-471-00

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 of Oregon (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 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 16, 2009, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Yakama Nation (YN), #2008-471-00, *Upper Columbia Nutrient Supplementation*. The project's goal is to quantify and evaluate nutrient status and availability for salmonids in the Methow River Subbasin by conducting a multi-trophic level sampling program to evaluate baseline water primary, secondary, and tertiary productivity rates. The project has a coordinated, replicated sampling regime for each trophic level. Nutrient, chlorophyll, and invertebrate sampling will be done monthly at each site from April through September. Additional fish sampling is planned for the next three years, this will include diet analysis, growth rates and stable isotope work. Annual sampling will be implemented for two to three years pre-treatment to assess the nature and extent of nutrient limitation and will continue for up to five years to evaluate experimental nutrient addition, if warranted by the results of the initial sampling.

On July 10, 2009 the ISRP requested additional information from the Yakama Nation in order to determine whether the proposal met scientific criteria (ISRP document 2009-27). The ISRP requested additional detail on items associated with the study design and recommended incorporating more appropriate methods for some aspects of the study in order to make the proposed approach technically sound. No public comment has been received on the ISRP review.

On October 23, 2009 the Council received a response from the Bonneville, and on December 2, 2009 the Council received the ISRP's review (ISRP document 2009-50). The ISRP found that the proposal "*Does Not Meet Scientific Criteria.*"

In February 2010, it was brought to the ISRP's attention that their December 2009 review contained responses and comments applicable to a different proposal - a proposal submitted by the Shoshone-Bannock Tribe for nutrient enhancement in the Salmon River Subbasin (#2008-904-00; see ISRP 2009-53) - which had been submitted at approximately the same time as the Yakama Nation proposal. The ISRP re-examined the Yakama Nation's proposal and found they incorrectly attributed some comments to the Yakama proposal that were applicable only to the Shoshone-Bannock Tribes' proposal. It is important to note, however, that the ISRP's primary points were correctly attributed to the Yakama's proposal. Consequently, the ISRP's final recommendation of *does not meet scientific review criteria* is unchanged.

To assist the YN in clarifying and addressing the ISRP's concerns, a conference call was held on February 22, 2010 with the YN and the ISRP.

On March 15, 2010, the Council received from Bonneville a submittal intended to address the outstanding ISRP comments regarding the proposal. On April 12, 2010 the Council received the final ISRP review (ISRP document 2010-8).

The ISRP found the YN's response made considerable progress in addressing the ISRP's initial concerns and concluded that the YN's revised narrative *Meets Scientific Review Criteria (in part)*.

The ISRP believes a useful nutrient experiment can be conducted on the Twisp River, assuming a complete study plan is developed which includes the following critical project components:

- identification of the form in which nutrients will be added;

- power analyses of the detection of a response in fish production;
- detail regarding the stable isotope work; and
- securing of permits for sampling fish.

The Council concurs with the ISRP and feels that these issues can be addressed over the next two to three years as the YN gathers pre-treatment data. The information can then be included in an updated study plan. It is expected that an updated study plan will be completed by early 2013 and submitted to the ISRP for review.

Based on this understanding, the Council recommends that Bonneville fund the pre-treatment activities and that the implementation of the nutrient enrichment portion of the study plan be dependant upon favorable scientific review of an updated study plan.

Sincerely,

Tony Grover
Director, Fish and Wildlife Division

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