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### Issue summary for Mountain Columbia provincial review decisions

#### General Issues:

**Issue 1:** Assumption of base budget for reference when Council adds or subtracts project funding.

The staff organizes the Council's review of funding issues by defining a base set of projects that will be the starting point for decisions. As the Council considers the issues in this summary, it will decide whether to add or subtract projects from that base list. As this summary describes each issue, it also includes the budget effect of each staff recommendation by estimating the amount of funding to be added or subtracted by each decision.

At the Fish and Wildlife Committee meeting in Spokane on May 11, 2001, the staff asked the Committee for guidance in defining the base project list. The staff presented an alternative for conducting this initial round of provincial review funding decisions by defining three distinct "tiers" of project budgets that received funding recommendations from both the Columbia Basin Fish and Wildlife Authority (CBFWA) and the Independent Scientific Review Panel. The staff proposal would have distinguished new projects from ongoing projects and initially assumed deferral of new projects until the completion of all provincial reviews in 2002.

The Fish and Wildlife Committee asked for an alternative to the staff tiering proposal, that would establish a base-funding package composed of the projects that received "fundable" recommendations from the ISRP and were also designated "high priority" by CBFWA. These projects will be referred to in this issue summary and accompanying tables as "*consensus priorities*".

All other projects -- those which did not receive both a "fundable" ISRP rating and a "high priority" ranking from CBFWA -- are classified and summarized under the category "remaining proposals".

Recent funding levels for projects in the Mountain Columbia province were from \$6.2 million in Fiscal Year 1999 to \$11.6 million in Fiscal Year 2001. Most project budgets were essentially level during that time, but there were significant commitments to the Coeur d'Alene trout facility and wildlife mitigation for Albeni Falls dam in 2000 and 2001 (see attached [Table 1](#))

**The consensus priority projects would call for provincial budgets of \$11.64 million in Fiscal Year 2002, \$14.01 million in 2003 and \$13.99 million in 2004.** As you proceed through the project specific issues in this memorandum, there are boxes titled "**Effect on base budget**" and the amounts in those boxes are added to or deducted from these consensus priority base totals.

CBFWA's budget recommendations included significant additional funding over and above these consensus priority totals for habitat acquisition for Albeni Falls mitigation and in the Flathead subbasin. This issue summary will address whether the Council should recommend reserving funds for those projects despite "do not fund" recommendations from the ISRP.

**Revised base funding using the "consensus priorities" definition:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>\$11,638,778</b>	<b>\$14,011,723</b>	<b>\$13,988,949</b>

**Issue 2:** Response to ISRP project criticisms.

In individual project reviews, the ISRP offered specific comments or concerns about project designs. In the Intermountain and Columbia Gorge provincial review decisions, the Council approached this issue in the following manner:

The Council has two levels of treatment depending on the nature of the issue. First, where the ISRP rated projects as "fundable," but noted specific science-based deficiencies *without specifically recommending* that those deficiencies be addressed by the Council or in contracting, the Council should *encourage, but not require* the sponsors to address these deficiencies as it contracts with Bonneville. The second level of treatment is for those projects rated as "fundable," but *also included* one or more of the following:

1. A *specific science-based* recommendation from the ISRP that the deficiency should be addressed as part of Bonneville contracting or in some other review process. For these projects, the Council would follow the recommendation of the ISRP and advise Bonneville and project sponsors that its funding recommendation is made with a condition that written documentation of how the issues have been addressed prior to or as part of contracting with Bonneville;
2. A management or policy issue raised by the Council. In a number of cases, the Council added specific conditions or requirements as terms for its recommendations for project funding.

**Staff recommendation for Council action:** The staff has prepared a table (Table 3) of specific project issues that should be addressed in Bonneville contracting.

### Coeur d'Alene Subbasin

<b>Coeur d'Alene base program "consensus priorities"</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199004400	Implement Fisheries Enhancement Opportunities on the Coeur d'Alene Reservation	CDAT	High Priority	Agree Fundable	728,094	1,174,365	3,540,071
199004401	Lake Creek Land Acquisition and Enhancement	CDAT	High Priority	Agree Fundable	150,000	0	0
24015	Wetland/Riparian Protection, Restoration, Enhancement and Maintenance in the Coeur d'Alene Subbasin	CDAT	High Priority	Agree Fundable	0	2,156,151	7,015,428
<b>Subtotal "consensus priority" projects</b>					<b>878,094</b>	<b>4,633,566</b>	<b>15,106,043</b>

[Note: Project 199004401 will be closed and its operation and maintenance component funded under proposal 24015]

<b>Coeur d'Alene remaining proposals:</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199004402	Coeur D' Alene Tribe Trout Production Facility	CDAT	High Priority	Do not Fund	2,045,088	351,539	2,092,190
24020	Center for GIS Analysis and Information in the Coeur d'Alene Subbasin	CDAT	Recomm. action	Fundable	0	180,700	563,100
<b>Subtotal remaining proposals</b>					<b>2,045,088</b>	<b>532,239</b>	<b>2,655,290</b>

#### Coeur d'Alene Issue 1:

The ISRP (p. 21) supported the Coeur d'Alene watershed restoration project (199004400) with conditions. The ISRP criticized the goals of the project as unrealistically high and lacking adequate monitoring.

**Initial staff recommendation:** Recommend funding and provide guidance to Bonneville that these comments should be resolved in contracting.

#### Budget effect on base program:

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
No Change	No Change	No Change

**Coeur d'Alene Issue 2:**

The ISRP (p. 22) endorsed the Lake Creek land acquisition project (199004401) but tied continued support for the project to assurance that there will be consistent criteria for the selection of future properties. The ISRP also raised a "question of accountability for the last ten years", which is not entirely clear, but the staff assume refers to the long history of funding commitment for the project.

**Initial staff recommendation:** The project should be funded under the conditions stated by the ISRP. The existing project will be combined under new proposal 24015 with a transfer of \$160,020 for operation and maintenance from the original budget submitted for ongoing project 199004401. The staff's base budget assumes that the old project number for Lake Creek land acquisition is closed out and the originally proposed budget for proposal 24015 is augmented by the transfer of \$160,020 of operation and maintenance funds from the Lake Creek project.

The staff notes that the ISRP concern about the accountability for this project may not be informed by the full history of the Lake Creek acquisition project. Essentially, funds committed to this project have not provided substantial benefit because the lengthy negotiation for a specific parcel ultimately failed. While there has been a continuing budget reserved for the project, the budget has carried forward for several years pending resolution of negotiations. In May, the Council approved making the existing FY 2001 budget available for other parcels subject to the use of criteria in the project proposal for this review.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
No Change	No Change	No Change

**Coeur d'Alene Issue 3:**

The ISRP (p. 30) recommends no funding for the Coeur d'Alene Tribe's proposed trout production facility (199004402). The central criticisms are the basis for artificial production assumptions and predation in Lake Coeur d'Alene. The project sponsors ask that the Council allow the current proposal to continue in "Three-step" review, notwithstanding the ISRP's criticisms.

**Initial staff recommendations:** : The staff concluded that the ISRP's criticisms are so severe that further consideration of the existing artificial production proposal will be unsuccessful if returned to the ISRP for review. The ISRP has had enough experience with this proposal concept that its findings here should be considered final.

The staff would offer an approach for returning to a complete revision for the project concept. That would be to offer the Coeur d'Alene tribe an opportunity to consider the challenges observed for an artificial production approach and develop a new conceptual design. This would be a "step one" review in the Council process for new artificial production projects. The existing budget reserved for project construction would be reallocated to other resident fish needs. The tribe anticipates the need for approximately \$132,000 of their remaining Fiscal Year 2001 budget to initiate a study on the food habits of the predatory fishes and alternative site analysis. It is premature to establish any assumption of future capital funding for the Coeur d'Alene program. Instead,

additional funding should be a component of the Council's decisions in the "three-step" decision sequence. Future funding is also dependent on the submittal of a narrative, statement of work, budget, study designs and schedules for reviews, but would focus on planning in Fiscal Year 2002 and construction in 2003. This submittal would be reviewed and approved by Bonneville and the Council staffs. Funding in Fiscal year 2001 and 2002 is conditioned on the implementation on the predation study and alternate site evaluations only, future funding is dependent on the step submittal and favorable review process.

**Budget effect on base program:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Increase of \$244,616	No change	No change

**Flathead Subbasin**

<b>Flathead base program "consensus priorities"</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199101903	Hungry Horse Mitigation	MFWP	High Priority	Agree Fundable	781,432	982,850	3,037,850
199101904	Stocking of offsite waters for Hungry Horse Mitigation - Creston National Fish Hatchery	USFWS	High Priority	Agree Fundable	160,000	106,672	329,712
24019	Research, Monitor, and Restore Native Species	CSKT	High Priority	Agree Fundable	166,048	131,400	415,400
<b>Subtotal "consensus priority" projects</b>					<b>1,107,480</b>	<b>1,220,922</b>	<b>3,782,962</b>

<b>Flathead remaining proposals</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
24012	Riparian Habitat Preservation - Weaver Slough and McWinegar Slough	FLT	Recomm. Action	Elevate to High Priority	0	1,002,000	1,002,000
24013	Assessment of Operational Impacts of Hungry Horse Dam on Riparian Wildlife habitats and their associated aquatic components	MFWP	Recomm. Action	Do not fund	0	188,949	498,839
24018	Secure and Restore Critical Fish and Wildlife Habitats	CSKT	High Priority	Do not fund	65,303	4,918,444	13,996,096
<b>Subtotal remaining proposals</b>					<b>65,303</b>	<b>6,109,393</b>	<b>15,496,935</b>

**Flathead Issue 1:**

The Flathead Land Trust's proposal for riparian habitat preservation on the Flathead River (24012) was not in the consensus priorities base, as CBFWA did not rank it high priority. However, the ISRP disagrees with the lower priority assigned by CBFWA, and recommends elevating the project for funding (p. 24). CBFWA had questioned the ISRP's initial positive review for this habitat acquisition proposal when it had been critical of others (see general issue 2 about the review of land acquisition proposals). The difference seems to be that this proposal provided enough information and guidance about how parcels to be acquired in the future will be selected and evaluated to satisfy the ISRP while other projects had not. Thus, the Council must decide if it wishes to rely on the priority statement of the ISRP or CBFWA.

This proposal carries a notable level of cost sharing. Four other sponsors will contribute a total of over \$2.5 million in addition to the \$1 million requested from Bonneville.

There is a second issue raised by this project. The proposal is for purchase of riparian easements in the Flathead River corridor in coordination with other groups. The purchase of land for wildlife habitat could raise an issue of the applicability of the Montana Wildlife Trust agreement with Bonneville. Staff notes that Bonneville *did not* raise the Montana Agreement as an issue in its comments on these projects. However, Bonneville comments state its position that this project should be funded only after subbasin planning is completed without offering comments or conditions to support this position.

**Initial staff recommendation:** Fund for the emphasis on the riparian habitat preservation, rather than wildlife habitat purposes. As a new proposal, consider whether or not initiation should be deferred, pending Council resolution of the overall budgeting approach.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
Increase of \$1,020,000	NA	NA

[Note: Does not include the perpetual monitoring of easements covered in a one time payment (\$60,000) as described in the FY 2002 proposal form (section 7, objective 1)]

**Flathead Issue 2:**

The ISRP (p. 29) recommended no funding for the Salish-Kootenai habitat restoration projects now consolidated under proposal 24018. This is a broad program proposed for \$5 million in FY 2002 and nearly \$14 million over three years.

A sub-issue is the applicability of the Montana Wildlife agreement. The Confederated Salish-Kootenai tribes argue that the tribes were not parties to the agreement and do not have access to the lands acquired under the agreement.

**Initial staff recommendation:** The threshold issue here is whether or not the parties to the Montana Wildlife Agreement and the tribe can resolve the applicability of that agreement to this project. Bonneville has

commented that the agreement provides full satisfaction of its wildlife mitigation obligations for the construction of Libby and Hungry Horse dams. This is a matter for the parties to that agreement and the tribe to resolve. The staff has met several times with Bonneville and the project sponsor. Their discussions appear to be progressing and so the staff recommend that a final approval decision be deferred to the August meeting in Polson, Montana.

In the meantime, the staff concludes that the negative ISRP comments focused on the land acquisition components of the project and were consistent with its review of the Albeni Falls mitigation program. As proposed in the staff recommendation to Pend Oreille issue 5 below, the staff is proposing an attempted resolution of the issue of how individual parcels acquired under umbrella mitigation plans like the one proposed here are selected and evaluated. The Council, CBFWA, and Bonneville will agree on a uniform process and standards and criteria for review of these parcels. Council staff will ensure that the process is consistent with guidance in adopted fish and wildlife program provisions.

In the meantime, the staff concludes that the ISRP's comments highlight concerns about the continuing watershed restoration and watershed coordinator functions. As will be developed in the discussion of the Kootenai watershed coordinator, the staff recommends continued funding of the base program Section 4, 5, 6 and 7 (objectives 3, 4, 5, 6, and 7) pending subbasin planning. The staff recommend that the budget not include funding for objective 8, development of an electronic subbasin plan. Bonneville funding for subbasin planning should be developed separately as part of the Council's subbasin planning process. In addition budgets for FY 2003 and 2004 need to be refined in the development of the FY 2002 Budget and SOW.

**Budget effect on base:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Increase of \$297,761	Increase of \$258,601	Increase of \$258,601

[Note: Objective-based budgets for objectives 3, 4, 5, 6, and 7 were averaged, from the FY 2002 proposal, to establish fiscal year 2003 and 2004 costs.]

**Flathead Issue 3**

Project 24019 identifies a wildlife/sharp-tailed grouse element along with other fish elements and objectives. The ISRP report recommended not funding for the sharp-tailed grouse portion of the project.

**Initial staff recommendation:** Fund the fisheries portion of the project.. In contracting, ensure that the ISRP's concerns about data reporting from the project are addressed and ensure that data from the project are provided to Streamnet.

**Budget effect on base:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Increase of \$81,000	Increase of \$81,000	Increase of \$81,000

### Kootenai Subbasin

<b>Kootenai base program "consensus priorities"</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
198806400	Kootenai River Sturgeon Studies and Conservation Aquaculture	KTOI	High Priority	Agree Fundable	1,128,568	1,160,000	5,763,000
198806500	Kootenai River Fisheries Recovery Investigations	IDFG	High Priority	Agree Fundable	570,000	825,391	2,834,892
199404900	Improving the Kootenai River Ecosystem	KTOI	High Priority	Agree Fundable	273,333	710,891	3,535,891
199500400	Mitigation For The Construction And Operation Of Libby Dam	MFWP	High Priority	Agree Fundable	795,000	805,000	2,505,000
200000400	Monitor and protect bull trout for Koocanusa Reservoir.	BCE	High Priority	Agree Fundable	60,000	62,000	186,000
24005	Smith Creek Restoration	IDFG	High Priority	Agree Fundable	0	52,680	358,040
24009	Assess Feasibility of Enhancing White Sturgeon Spawning Substrate Habitat, Kootenai R., Idaho	KTOI	High Priority	Agree Fundable	0	350,000	1,510,000
24021	Implement Floodplain Operational Loss Assessment, Protection, Mitigation and Rehabilitation on the Lower Kootenai River Watershed Ecosystem	KTOI	High Priority	Agree Fundable	0	293,864	1,121,864
24023	Purchase Conservation Easement from Plum Creek Timber Company (PCT) along Fisher River	MFWP	High Priority	Agree Fundable	0	500,000	1,500,000
<b>Subtotal "consensus priority" projects</b>					<b>2,826,901</b>	<b>4,759,826</b>	<b>19,314,687</b>

<b>Kootenai remaining proposals</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199608720	Focus Watershed Coordination in the Kootenai River Watershed	MFWP	High Priority	Do not fund	100,000	101,500	305,250



24010	Reconnection of floodplain slough habitat to the Kootenai River	KTOI	Recomm. Action	Elevate to high priority	0	139,974	719,974
24016	Kootenai River Subbasin Stakeholders Symposium	KRN	Recomm. Action	Fundable	0	51,450	51,450
<b>Subtotal remaining proposals</b>					<b>100,000</b>	<b>292,924</b>	<b>1,076,674</b>

**Kootenai Issue 1:**

Define the scope of requirements of the Kootenai white sturgeon recovery plan (198806400) for Bonneville. The proposed projects received positive ISRP reviews. What of the new or expanded funding proposals are required by the recovery plan?

Recovery team members, including staff of the Fish and Wildlife Service assured Council staff that the scope of the proposals for Kootenai white sturgeon are consistent with Bonneville's obligations under the recovery plan and the Biological Opinion for the hydropower system. Bonneville's comments also concur that these projects meet Biological Opinion requirements.

**Initial staff recommendation:** Fund as proposed. Note that funding support for FY 03 (Section 4, objective 1, 2 and 3) and beyond will be subject to progress through the three-step review process for artificial production. Specifically this will address the possible expansion of the white sturgeon facility and a trout pond. In addition the M&E concern raised by the ISRP regarding the trout pond needs to be addressed at the time of step determination and review. The staff also urge that Bonneville obtain formal concurrence from the Fish and Wildlife Service that the federal power system obligations for the Kootenai sturgeon recovery plan will be satisfied by this project package. The staff considers the use of the provincial review process to define and fund the power system's obligations to be a precedent for implementing the Biological Opinion for listed salmon species in the Columbia Basin. It is important to use clear procedures to define the power system's obligations and be assured that those obligations will be met if the provincial review recommendations are funded.

**Budget effect on base program:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
No Change	No Change	No Change

**Kootenai Issue 2:**

The ISRP (p. 33) recommended no funding for the focus watershed coordination in the Kootenai River (199608720) The ISRP cited a history of its own concerns about the project which have not been addressed by the project sponsor. The ISRP said that the project also lacks reference to rationale or significance to regional programs.

**Staff recommendation:** The staff conclude that the ISRP criticisms should warrant revisiting the scope and objectives of the watershed coordination function in the Kootenai River. However, this is an integral role for the coming process of subbasin planning, so the staff recommend maintaining a coordination function while the schedule of subbasin planning is determined.

The staff recognize a significant concern in the ISRP's review that applies to the role of watershed coordinators. As described in the Montana proposals, watershed coordination is a broader community outreach function with less than clear reference to specific biological objectives. The staff believes the ISRP's continued evaluation of the performance of watershed coordinators in other subbasins will reveal programmatic issues for Council attention. Already, there is a marked contrast between the reviews in the Kootenai and Flathead and those of the Columbia Gorge subbasins. However, the staff recommends that the Council maintain the watershed coordination function in Montana pending subbasin planning.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
Increase of \$101,500	Increase of \$101,750	Increase of \$102,000

**Kootenai issue 3:** The ISRP disagreed with CBFWA's "recommended action" prioritization for project 24010, and suggests that this white sturgeon project be elevated to "high priority." The Bonneville comments state that it too would recommend a high priority designation for the project because it believes that it has direct applicability to the sturgeon ESA requirements.

**Initial staff recommendation:** Recommend funding the project, subject to the conditions stated by the ISRP (to be made contract terms) *if* the USFWS confirms in writing to that the project is a Bonneville ESA responsibility.

Budget effect on base program:

FY 2002	FY 2003	FY 2004
Increase of \$ 139,974	Increase of \$ 540,000	Increase of \$ 40,000

### Pend Oreille Subbasin

<b>Pend Oreille base program "consensus priorities"</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199404700	Lake Pend Oreille Fishery Recovery Project	IDFG	High Priority	Agree Fundable	380,000	362,000	1,100,000
199500100	Kalispel Tribe Resident Fish	KT	High Priority	Agree Fundable	300,000	410,000	1,319,600
199700400	Resident Fish Stock Status Above Chief Joseph and Grand Coulee Dams	KT	High Priority	Agree Fundable	455,000	478,000	1,548,000
24003	Acquire and conserve high priority bull and westslope cutthroat trout habitat in Trestle Creek.	IDFG	High Priority	Agree Fundable	0	145,200	290,400
24004	Pend Oreille/Priest Exotic Fish Species Suppression and Native Fish Protection	IDFG	High Priority	Agree Fundable	0	418,500	928,000
24008	Genetic Inventory of Bull Trout and Westslope Cutthroat Trout in the Pend Oreille Subbasin	KTOI	High Priority	Agree Fundable	0	183,824	450,492
<b>Subtotal "consensus priority" projects</b>					<b>1,135,000</b>	<b>1,997,524</b>	<b>5,636,492</b>

<b>Pend Oreille remaining proposals</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
199106000	Pend Oreille Wetlands Wildlife Mitigation Project - Kalispel	KT	High Priority	Do not fund	156,000	167,300	440,450
199206100	Albeni Falls Wildlife Mitigation Project	AFIWG	High Priority	Do not fund	3,310,000	6,178,795	19,331,635
24001	Lake Pend Oreille Predation Research	IDFG	Recomm. Action	Fundable	0	141,000	444,000
24006	Pend Oreille Erosion Abatement and Landform Restoration	IDFG	Not Applicable	Do not fund	0	0	0
<b>Subtotal remaining proposals</b>					<b>3,466,000</b>	<b>6,487,095</b>	<b>20,216,085</b>

**Pend Oreille Issue 1:**

Should the Council support continued funding of the monitoring of effects of lake levels on the kokanee fishery in Lake Pend Oreille (199404700)? The project was initially approved as a five-year study that would conclude this year but its scope of continued monitoring was endorsed by the ISRP (p. 15) and CBFWA. The staff noted that project reports don't appear to be current, as indexed on Bonneville's fish and wildlife website.

**Initial Staff recommendation:** Fund initially for one year, pending an assessment of the first five years' study. Condition contracting on assurance that past reporting requirements are completed. The staff recommends maintaining a placeholder budget for FY 2003 and 2004 pending the assessment.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
No Change	No Change	No Change

**Pend Oreille Issue 2:**

The ISRP (p. 22) made a "fund in part" recommendation for Kalispel Tribe resident fishery project (199500100). The ISRP found no need for objective 2 of the project. Otherwise, continued implementation of the project is fundable. In the meantime, any proposed expansion of the existing program would need to be reviewed in the Council's "three-step" process.

**Initial staff recommendation:** Fund with the elimination of objective 2 (section 5) of the project as recommended by the ISRP. The staff read the ISRP report as raising significant enough concerns about the merit of the project that the project sponsors should take seriously the ISRP's request for an assessment of the project's performance before the beginning of the next provincial review for the Pend Oreille subbasin.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
Decrease of \$66,000	Decrease of \$92,750	Decrease of \$92,750

[Note: The Objective-based budgets for objectives 2 (section 5) were averaged, from the FY 2002 proposal, to establish fiscal year 2003 and 2004 costs]

**Pend Oreille Issue 3:**

A new proposal (24004) for measures to suppress exotic species in Priest Lake was a high priority CBFWA recommendation but received only conditional approval from the ISRP (p. 19). The ISRP's review found merit in the project concept (constructing a barrier to fish passage between Upper and Lower Priest Lake), but said that constructing an effective barrier that would still allow boat passage would be a "leap of faith." The ISRP found four of the project objectives fundable, one marginal, and two not fundable.

**Initial staff recommendation:** The question is whether this project, a new proposal, should be initiated in this round of provincial review decisions. The staff concludes that the ISRP review noted sufficiently severe questions about the proposal that the project should not be initiated at this time.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
Decrease of \$418,500	Decrease of \$284,500	Decrease of \$225,000

**Pend Oreille Issue 4:**

The ISRP (p. 32) recommends no funding for Pend Oreille Wetlands wildlife mitigation project (199106000). Primary comments were lack of monitoring and evaluation and documentation of results of past measures for a project proposing to continue active enhancement measures. Bonneville comments state support for funding the O&M and M&E portions of the project, subject to a revamped M&E plan being submitted.

**Initial staff recommendation:** Fund O&M for property management only. Resubmit M&E plan in coordination with Albeni Falls mitigation program for consistent approach and then obtain ISRP peer review as a basis for further funding of M&E and active management. Reserve requested funding pending resolution of acquisition and monitoring and evaluation issues.

**Budget effect on base program:**

FY 2002	FY 2003	FY 2004
Increase of \$167,300	Increase of \$173,900	Increase of \$99,250

**Pend Oreille Issue 5:**

The Albeni Falls Wildlife Mitigation Project (199206100) is recommended by CBFWA for a 2002 budget of over \$6 million and a three-year budget totaling over \$19 million. The ISRP (p. 33) concluded its review with a “do not fund” recommendation. The Panel’s criticisms centered on lack of information on past results and the potential effectiveness of proposed restoration measures. The Panel also used this project as an example of a “trust fund” type wildlife mitigation project, and expressed its difficulty in evaluating these types of proposals without an understanding of the basis or criteria for the selection of individual parcels purchased under the umbrella plan (ISRP p. 5).

**Initial staff recommendation:** The staff concluded that these two issues need broader attention from the Council. This project is one of several wildlife habitat acquisition projects that received “do not fund” recommendations from the ISRP largely because of M&E concerns and the question about lack of information about how subsequently acquired parcels will be evaluated. These types of proposals address continuing mitigation requirements for habitat lost by the development of the federal hydropower system, and have been approved by the Council in prior years as consistent with the wildlife provisions of the program. The project sponsors believe they have developed their proposals consistent with the standards of the Council program, but their proposals are severely criticized by the ISRP for general lack of specificity for the criteria to select properties for acquisition,

long-term maintenance and monitoring approaches. The ISRP noted this issue in its overall comments (p. 5). It said,

“the inherent difficulty with a land and water acquisition fund from the perspective of scientific review is that specific projects are not identified, described and justified prior to fund allocation. Thus, projects or purchases can only be reviewed retrospectively. Front-end accountability can be facilitated through development of specific criteria that rank or prioritize potential land or water acquisitions according to their potential benefits to fish and wildlife.”

Noting that the Program calls for establishing a land and water acquisition fund and that discussions of funding allocation and criteria are continuing, the ISRP asked the Council for guidance “on how to effectively review projects that fall within the trust fund approach”.

With regard to the first issue, the adequacy of monitoring and evaluation of this project and, as far as that goes, all wildlife mitigation projects, the staff notes that the wildlife managers have collectively developed and submitted a proposed basin-wide approach to monitoring and evaluation for wildlife mitigation projects. It does not appear that either the Council or the ISRP have responded formally to the wildlife managers on the proposal. One of the premises of that monitoring and evaluation strategy proposal is that it is based on and consistent with standards established in the 1995 fish and wildlife program. Those provisions were not superceded by the 2000 amendments to the program, and thus, are still applicable.

With regard to the second issue, the staff notes that there are criteria established in the 1995 program that guides the development of both the large umbrella type wildlife mitigation projects such as the Albeni Falls project, as well as the subsequent individual parcel acquisitions that take place to implement them (see section 11.2.D.1). Those criteria were not superceded by the 2000 amendments, and are not, at least at this time, substituted by new standards or procedures that will be developed to implement the new land and water acquisition program that was called for in the 2000 amendments. The staff, does note, however, that there is some question as to whether or not project sponsors have in fact been consistently bringing individual parcel acquisitions taking place under the larger mitigation plans back through the CBFWA wildlife process for review against those program criteria.

The staff recommendation for the Albeni Falls project is to recommend funding subject to two conditions:

1. Submission of a revised monitoring and evaluation plan to the ISRP, and its approval of that plan. The plan may be project specific for the Albeni Falls project, or it may be a basin-wide monitoring and evaluation proposal for all ongoing wildlife mitigation projects. Council staff will work with the wildlife managers and the ISRP to advise both of any applicable standards existing in the fish and wildlife program that would apply to such M&E plans. The ISRP would need to approve the plan(s).

2. An agreement between the Council, CBFWA, and Bonneville on a uniform process and criteria for the evaluation of individual acquisition proposals for wildlife mitigation that take place under larger, previously Council approved umbrella wildlife mitigation plans such as Albeni Falls. Council staff will ensure that the agreement is consistent with any procedures, standards and/or criteria adopted in the fish and wildlife program. Council staff will provide this information to the ISRP.

Bonneville also urged the Council to support continued funding for this project once the monitoring and evaluation issues are addressed.

**It is important to note that these two “conditions” are really a programmatic response that will apply to all wildlife mitigation plans -- including the new project 24015 recommended as a consensus priority. Thus, it is important for all of the wildlife managers to engage on this issue, not only the Albeni Falls project sponsor.**

**Budget effect on base program:**

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Increase of \$6,178,795	Increase of \$6,431,031	Increase of \$6,721,809

**Pend Oreille Issue 6**

A new Pend Oreille Lake predation research study is proposed (24001), with the stated objective of balancing predator and prey populations and reducing competition between bull trout and other species. CBFWA ranked this as a lower priority recommended action, and the ISRP found the project fundable, but agreed with the CBFWA priority statement. The issue is presented by Bonneville’s comments, which state support for funding this project because it believes it has a direct relationship to the USFWS BiOp.

**Initial staff recommendation:** Recommend funding the project if the USFWS confirms in writing that this project is a Bonneville BiOp requirement. Do not add funding for prize money in the K&K fishing derby as requested in objective 3.

Budget effect on base program:

<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Increase of \$ 136,000	Increase of \$ 148,000	Increase of \$ 155,000

**Blackfoot Subbasin**

<b>Blackfoot base program “consensus priorities”</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
24017	Restore Bull Trout Habitat in Blackfoot N. Fork	TU	High Priority	Agree Fundable	0	330,000	350,000
<b>Subtotal “consensus priority” projects</b>					<b>0</b>	<b>330,000</b>	<b>350,000</b>

<b>Blackfoot remaining proposals</b>							
<b>Project ID</b>	<b>Project Title</b>	<b>Sponsor</b>	<b>CBFWA</b>	<b>ISRP</b>	<b>FY 2001 Authorized</b>	<b>FY 2002 Request</b>	<b>FY 02 to FY 04 Request</b>
<b>Subtotal remaining proposals</b>					<b>0</b>	<b>0</b>	<b>0</b>

### **Province Level/Programmatic Issue**

Bonneville provided the Council substantial comments on the projects proposed for funding in this province. Bonneville put the project into eight separate categories as follows:

**Category 1. Fund** – ESA BiOp Projects that meet both the needs of the Council Fish and Wildlife program and the ESA requirements of the US Fish and Wildlife Services Biological Opinion for operation of the Upper Columbia FCRPS dams and should be fully funded with qualifications as needed.

**Category 2. Fund** – Ongoing Projects, which should be fully funded.

**Category 3. Fund In Part or with Qualifications** – Ongoing projects that should be funded with the stated qualifications.

**Category 4. Fund In Part** – New, includes two projects, which are a combination of ongoing projects and new projects designed for wildlife mitigation. The existing portions of these projects should be funded, but the wildlife mitigation objectives should not be funded for the reasons discussed later in this cover letter.

**Category 5. Potential Funding After Completion of Subbasin Planning** – No Comments/Qualifications, lists projects that should be reconsidered for funding after subbasin planning is completed as discussed in our cover letter. We have no comments in addition to those provided by ISRP/CBFWA.

**Category 6. Potential Funding After Completion of Subbasin Planning** – With Comments/Qualifications, lists projects that should be reconsidered for funding after subbasin planning is completed as discussed later in this letter.

**Category 7. Do Not Fund** – Ongoing, lists projects that should not be funded to continue implementation of the current objectives based on our agreement with the technical review of the ISRP.

**Category 8. Do Not Fund** – New, lists projects that should not be funded based on our agreement with the ISRP comments on the scientific merit of the projects, or with CBFWA on the timing and need for the project.

The following list of six projects all received a fundable rating by the ISRP, and was ranked as high priority by CBFWA. Thus, these projects are all “consensus priorities” and under our proposed decision rule, are parts of the base of projects that the staff proposes the Council recommend funding. However, the Bonneville comments put the first four the following projects into category five, and the last two into category six -- meaning that it does not support funding these projects until after subbasin planning is completed. (As an aside, it is worth noting that the comments or qualifications that it proposes for the two projects in category six are not of the



nature or type that they have to be resolved through subbasin planning -- the qualifications presented could be dealt with immediately).

- 24003 Acquire and conserve bull trout and westslope cutthroat habitat in Trestle Creek (Pend Oreille subbasin).
- 24005 Smith Creek Restoration (Kootenai subbasin)
- 24008 Genetic inventory of bull trout and westslope cutthroat in the Pend Oreille subbasin (Pend Oreille subbasin)
- 24012 Habitat preservation -- Weaver and McWinegar sloughs (Flathead subbasin)
- 24015 Wetland/Riparian Enhancement, Protection, Restoration in Coeur d' Alene subbasin
- 24017 Restoring bull trout habitat in Blackfoot River's North Fork (Blackfoot)

The issue presented is what appears to be a Bonneville prioritization or ranking of projects that meet fish and wildlife program standards and have ISRP and CBFWA support that subordinates them to ESA based projects. The staff concern is not that Bonneville is very diligent about trying to meet its ESA obligations, but rather, that it appears that its focus on those obligations may be coming at the expense of other obligations and projects pursuant to the fish and wildlife program, and that Bonneville is doing that sort of prioritizing without consultation with the Council. For example, as staff was developing this memorandum, we received a copy of a letter dated May 25, 2001 from Robert Austin to Chairman Cassidy "informing" the Council that Bonneville was going to fund six research oriented projects to meet what it understands to be the FCRPS Biological Opinion needs.

Thus, the six "fund/fund" projects that Bonneville would defer in the Mountain Columbia may be an indication Bonneville's ESA needs are in fact being advanced to the detriment of other fish and wildlife program needs. Without any statement of reasons why these projects would be deferred, the fair inference is that Bonneville is doing something of a unilateral budgeting exercise. As a programmatic policy matter, the Council will need consider if and how it wishes to address this matter with Bonneville.