

## Agenda Item Summary

### BACKGROUND

The Oregon Department of Fish and Wildlife (department) has completed development of the Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population (DPS) Segment (Oregon Mid-C Plan) with support and input from a sounding board, federal and state agencies, Tribes, nongovernmental organizations (NGO) and local watershed councils (see Executive Summary, Attachment 2). Steelhead in the Middle Columbia River DPS were listed as threatened under the Endangered Species Act (ESA) in 1999. Recovery plans are a federal requirement for all species listed under the ESA. This conservation and recovery plan serves a dual purpose as a component of the bi-state (Oregon and Washington) proposed federal recovery plan (DPS Plan, Attachment 5) and a State of Oregon Conservation Plan consistent with requirements of Oregon's Native Fish Conservation Policy (NFCP).

The Oregon Mid-C Plan will be refined following extensive review, including a formal period of public comment by agencies, environmental organizations, landowners, interested public and other stakeholders. The Oregon Mid-C Plan is going through parallel state and federal approval processes. We are bringing the plan forward to the Oregon Fish and Wildlife Commission (Commission) during the federal recovery plan comment period in order that Commission input and guidance may be provided at this time. Staff will bring the Oregon Mid-C Plan back to the Commission after the federal approval process is complete so that the Commission can be assured the Plan will not be modified at the federal level. We expect the federal process will conclude in early summer and a final plan will be completed shortly after. The refined draft will be published in final form in 2009 for public reference and use. The final recovery plan will be considered a "living document." As new information becomes available, such as the outcome of the Federal Columbia River Power System Biological Opinion process, or as new information reveals the need for adaptive change, revised and additional actions will be added.

### PUBLIC INVOLVEMENT

#### **Plan Development**

The Oregon Mid-C Plan is a product of an extensive collaborative effort that began in October 2005. The department facilitated and led the plan's development through a process with broad technical, stakeholder, and public involvement. Oregon's recovery planning forums included the Middle Columbia Sounding Board, the Mid-Columbia Recovery Planning Team, and Management Action Teams (see Attachment 3 for list of participants). The plan also incorporated findings from other technical groups including the Interior Columbia Basin Technical Recovery Team (ICTRT) and the Oregon Expert Panel. Oregon also participated extensively in the Middle Columbia Recovery Planning Forum, a bi-state,

tri-tribe group which provided guidance and oversight to National Marine Fisheries Service (NMFS) in the development of the DPS Plan.

- *Middle Columbia Sounding Board (MCSB)*. The MCSB consists of representatives of local communities, agricultural and timber interests, land managers, governing bodies, tribes, and industry and environmental interests. The MCSB provides policy guidance in the development of all aspects of the plan and ensures selection of locally appropriate and locally supported recovery actions needed to achieve species recovery goals. The board was particularly instrumental in the development of broad sense recovery goals, recovery scenarios, recovery strategies, strategic guidance for development and prioritization of management actions, and implementation planning. The board met seventeen times during the plan development process.
- *Mid-Columbia Recovery Planning Team*. The recovery planning team includes state, federal, tribal, and watershed council technical representatives across the DPS. The team provided technical guidance and writing for all aspects of the plan. The team met periodically throughout the plan development process.
- *Management Action Teams*. The three management action teams include local experts representing state and federal natural resource agencies, the tribes, watershed councils and Portland General Electric (PGE). The teams developed management actions for the ten steelhead populations.
- *Interior Columbia Technical Recovery Team (ICTRT)*. The ICTRT, appointed by NMFS, provided geographic and species expertise for the entire Interior Columbia domain. The team includes biologists from NMFS, state, tribal and local entities, academic institutions, and private consulting firms. The ICTRT plays an important role in recovery planning, including developing Evolutionary Significant Unit (ESU)/DPS and population viability criteria, as well as, viability assessments that were used in the Oregon Mid-C Plan.
- *Oregon Mid-C Expert Panel*. The Expert Panel was created by the the department for purposes of recovery planning and consisted of biologists with significant knowledge of the limiting factors and threats influencing Oregon's listed Mid-C steelhead populations. Panelists identified common key and secondary threat themes and limiting factors for the populations.
- *Middle Columbia Recovery Planning Forum*. The Middle Columbia Recovery Planning Forum (Mid-C Forum) is a bi-state, tri-tribe group convened by NMFS, many of whose members led the preparation of the management unit plans. The Mid-C Forum contributed substance as well as scientific and critical review to the DPS plan. Participants in the Mid-C Forum include ODFW ,

Washington Department of Fish and Wildlife (WDFW), the Yakama Nation, Confederated Tribes of the Warm Springs Indian Reservation, Confederated Tribes of the Umatilla Indian Reservation, Washington Governor's Salmon Recovery Office, Oregon Governor's Natural Resources Office, Snake River Salmon Recovery Board, Yakima Basin Fish and Wildlife Recovery Board, US Bureau of Reclamation, US Fish and Wildlife Service, US Forest Service, US Army Corps of Engineers, Klickitat County, and NMFS Northwest Region.

### **Plan Review/Adoption**

#### Briefings to date (conducted by the department and Governor's Office):

- OWEB—January 2007
- ICTRT—October 2007
- IMST—November 2007-April 2008, five meetings (*the IMST review of an earlier full draft of the plan is provided as Attachment 6*)
- Oregon Plan Core Team—February 2008
- House Committee: Energy and Environment—July 2008
- Joint Senate Committees: Environment and Natural Resources, and House Committee: Agriculture and Natural Resources—September 2008
- Key Legislators and Committee Chairs—briefing document on September 24, 2008
- Oregon Plan Central Region Management Team—September 2008
- Columbia River Federal Caucus—October 2008
- State and Federal Partners-Oregon Plan Core Team—October 2008

#### Future Briefings Planned:

- Mid-Columbia Council of Governments—October 28, 2008
- Oregon Natural Resource Agency Directors—November 12, 2008

#### Public Meetings Planned:

- John Day, November 6—Oregon Mid-C Plan
- Redmond, November 12—DPS and Oregon Mid-C Plan
- Walla Walla WA, November 20—DPS and Oregon Mid-C Plan
- Hermiston, November 24—Oregon Mid-C Plan
- The Dalles, early December—Oregon Mid-C Plan
- Salem, November 14—DPS and Oregon Mid-C Plan. Public input will be taken at the November 14, 2008 Commission meeting. The Oregon Mid-C Plan will be presented as an informational item to the Commission in order to solicit Commission and public comments and guidance on the plan as both an Oregon conservation plan prior to final adoption by the Commission and as a part of the federal recovery plan. Commission meetings are announced to interested individuals, on the web, and to the media. Commission meetings are open to the public and the public has the opportunity to testify about the plan. A news release from the department indicating availability of the public draft of the Oregon

Mid-C Plan and soliciting comment was also distributed on September 24, 2008 (see Attachment 4).

National Oceanic and Atmospheric Administration (NOAA) Fisheries is conducting a three-month public comment on the federal DPS Plan through listing in the *Federal Register*. This period ends on December 23, 2008. In addition to the comments received by staff at the November 14, 2008 Commission meeting, staff will consider comments on the Oregon Mid-C Plan received by NOAA Fisheries in their public comment period. Staff will also relay comments from the Commission and the public at the November 14, 2008 Commission meeting that pertain to the overall federal recovery plan to NOAA Fisheries during their comment period.

The Oregon Mid-C Plan will be adopted into rule, per the Native Fish Conservation Policy. Prior to rulemaking by the Commission, a notice will be sent, as required by law, at least 49 days prior to rulemaking to Legislators and the Secretary of State, as well as for notice and publication in the *Oregon Bulletin*.

Public input will be taken at the Commission meeting where the Oregon Mid-C Plan is presented for approval and rule adoption. This meeting will be scheduled after NOAA Fisheries has reviewed comments and modified and approved the federal recovery plan, and the department has responded to comments and made necessary modifications to the Oregon Mid-C Plan (for the federal recovery plan as well as for the state conservation plan). Commission adoption of the Oregon Mid-C Plan is expected to be requested in late spring or early summer of 2009.

## ISSUE 1

### **PROVIDE COMMENT OR GUIDANCE ON THE OREGON MID-C PLAN**

#### ANALYSIS

This Oregon Mid-C Plan serves as a roadmap for conservation and recovery of ten Middle Columbia River (Mid-C) steelhead populations that occupy Oregon tributaries to the Columbia River. The steelhead populations spawn and rear in the Fifteenmile Creek, Deschutes, John Day, Umatilla and Walla Walla river basins and are part of the Mid-C steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS). The DPS includes all steelhead populations in Oregon and Washington tributaries to the Columbia River upstream of the Hood and Wind river systems, up to and including the Yakima River.

The Plan provides information required by NOAA's National Marine Fisheries Service (NMFS) to satisfy the requirements of section 4(f) of the ESA. It describes: 1) recovery goals and objective, measurable criteria which, when met, will result in a determination that the species be removed from the threatened and endangered species list; 2) site-specific management actions necessary to achieve the plan's goals; 3) estimates of the time required and cost to carry out the actions needed to achieve the plan's goals; and 4) direction for monitoring and evaluation and adaptive management to fine-tune our course towards recovery when needed.

The document contains:

- The institutional framework and rationale for recovery plans
- How NOAA's National Marine Fisheries Service expects to use the plan
- The regional context within which recovery plans in the Columbia Basin are written
- The relation of this plan to other planning processes and other Endangered Species Act (ESA) mandates
- Desired status—delisting and broad sense recovery goals; viability criteria
- The current status of listed Oregon Mid-C steelhead populations
- Gaps between current status and viable status
- Limiting factors and threats
- Recovery strategies and actions for the Oregon portion of the Mid-C steelhead DPS
- Management action effectiveness and expected outcomes
- Cost analysis
- A framework for implementation, monitoring and evaluation, and adaptive management

Assessing the viability of steelhead populations and considering eventual delisting under the ESA are based on four population performance measures: abundance, productivity, spatial structure and diversity. Currently three of the ten Oregon populations are meeting viability criteria. Closing the gap between current status and desired status (and achieving Broad Sense Recovery Goals) is the purpose of this plan.

The Plan identifies many strategies and actions to address key threats and factors which affect the long-term persistence of Oregon's Mid-C steelhead populations and improve their viability to levels that will allow removal of the DPS from the threatened and endangered species list. The long-term goals, however, reach well beyond achieving DPS delisting. They aim to recover the populations and their habitats to levels that are not only viable, but also provide sustainable fisheries and other ecological, cultural, social and economic benefits for future generations.

Improving the status of Oregon's Mid-C steelhead populations is critical to DPS recovery. The populations play essential roles in achieving viability for three of four major population groups within the DPS. Status of most of the populations needs to improve to achieve viability criteria. Strategies and actions focus primarily on addressing threats to the populations posed by tributary habitat degradation, out-of-DPS hatchery strays, and hydrosystem development and operations — considered the main obstacles to recovery.

Analysis of the benefits of the proposed actions indicates that all populations except the Westside Deschutes will achieve delisting goals in the future under the proposed plan. The Westside Deschutes populations

fails to meet the minimum abundance threshold even after all actions are implemented.

The Oregon Mid-C Plan depends on the social and regulatory structure which currently exists for habitat, hydropower, harvest, hatchery and predation management. It identifies actions deemed necessary to achieve recovery goals, focusing on where changes can be accomplished which build upon and adapt from the existing social and regulatory programs. This approach acknowledges the policy choices which have been made in the past to maintain hydropower in the Columbia Region as well as other choices to sustain social and economic interests while identifying actions necessary to reach recovery goals. If and when there are major changes in the underlying policy choices, this plan will need to be updated to clearly reflect these changes. While this plan identifies needed actions and priority locations, it also gives implementing agencies and citizens the flexibility to design creative, yet scientifically sound approaches that reflect site-specific conditions and support local interests. The Oregon Mid-C Plan relies on the federal and state regulatory and management decision processes currently in place, such as, US v. Oregon, Columbia Basin Fish and Wildlife Program, Federal Columbia River Power Systems (FCRPS) operations, and the Northwest Forest Plan.

The department will play a significant role in implementation, coordination, and monitoring and evaluation including:

- Fulfilling the department's role in the successful reintroduction of steelhead above the Pelton-Round Butte Complex.
- Implementing strategies to reduce the impacts of stray hatchery fish in the Deschutes subbasin.
- Participating in the multiple forums coordinating implementation of the DPS Plan.
- Leading status and trend monitoring and evaluation efforts throughout Oregon.
- Promoting implementation of sound hydrosystem operations in the FCRPS Biological Opinion (BiOp) process.
- Continued leadership in harvest management under the US v. Oregon agreement.

When the Oregon Mid-C Plan is brought back to the Commission after the federal DPS Plan is approved in early summer 2009, the Commission will be asked to approve the plan and adopt rules, per the Native Fish Conservation Plan (NFCP). Draft rules will be consistent with the NFCP as well as other conservation plan rules recently adopted. The draft rules will be based upon content of the Oregon Mid-C Plan, though will provide general strategies without the myriad details of the Oregon Mid-C Plan. Any existing basin plan rules will also be modified and/or replaced as consistent with the Oregon Mid-C Plan.

## OPTIONS

1. Provide comments and/or guidance to staff about the Oregon Mid-C Plan and/or draft rules.

ISSUE 2

**PROVIDE COMMENT ON THE FEDERAL RECOVERY PLAN**

ANALYSIS

NOAA's National Marine Fisheries Service (NMFS) proposes to adopt a recovery plan for the protection and restoration of Middle Columbia River steelhead (*Oncorhynchus mykiss*), which spawn and rear in tributaries to the Columbia River in central and eastern Washington and Oregon (DPR Plan Summary Attachment 5). Its threatened status was affirmed on January 5, 2006. The Proposed Middle Columbia River Steelhead Recovery Plan (DPS Plan) is currently available for public review and comment (<http://www.nwr.noaa.gov/Salmon-Recovery-Planning/Recovery-Domains/Interior-Columbia/Mid-Columbia/Mid-Col-Plans.cfm>).

The Middle Columbia River steelhead is among those with the best prospects for recovery, although it will require a considerable amount of long-term effort and funding for protection and restoration.

The DPS Plan is based on four locally developed management unit plans, included as appendices to the Plan, that address tributary conditions for the steelhead populations and major population groups which make up the DPS. The Plan also draws upon the work of the Interior Columbia Technical Recovery Team (ICTRT), a team of scientists appointed by NMFS to provide a solid scientific foundation for the plans.

NMFS's DPS Plan relies extensively on the Oregon Mid-C Plan. The DPS Plan accurately presents the Oregon information in most all cases. However, there are two issues of concern staff have identified that the Commission may want to consider for comment to NMFS.

First, the NMFS Plan relies entirely on the FCRPS BiOp to identify all the mainstem hydrosystem actions. The Oregon Mid-C Plan identifies alternative and additional actions including:

- Draft storage reservoirs to meet lower Columbia summer flow and velocity equivalent objectives on a seasonal and weekly basis.
- Operate reservoirs at rule curves and seek additional flow augmentation volumes from Snake River and Canadian reservoirs for spring and summer flow and velocity objectives.
- Operate lower Columbia reservoirs at minimum operating pool (MOP) during spring and summer as long as barge transport and irrigation needs are met.
- Provide spill to total dissolved gas limits of water quality waivers or biological constraints at all dams, except maximize transportation at Snake River collector projects during lowest (10th percentile) flow years.
- Implement spread-the-risk transportation to achieve 50/50 in-river and transportation proportions for spring and summer migrants in

the Snake River, and provide spill throughout spring and summer migration periods for in-river migrants. Continue to provide spill and bypass all fish at McNary Dam at all flows.

Second, currently there is no plan for NOAA to provide additional funding to implement the NMFS DPS Plan. To make progress towards recovery and to adequately monitor progress will require additional dedicated funding.

**OPTIONS**

1. Provide comments to staff about the federal DPS Plan for conveyance to NMFS.

**STAFF  
RECOMMENDATION**

N/A.

DRAFT MOTION	N/A.
	N/A.
EFFECTIVE DATE	