

Fish and Wildlife Service and Subbasin Planning

1). What is the Fish and Wildlife Service's perspective on subbasin planning?

The Fish and Wildlife Service actively supports the Northwest Power and Conservation Council's (Council) subbasin planning process and is committed to assisting in developing and implementing subbasin plans. Subbasin planning is an important opportunity to advance the Council's Fish and Wildlife Program throughout the Columbia Basin and we commend the Council for their thoughtful approach for developing subbasin plans and their commitment to ensuring these plans are comprehensive, scientifically sound, and are completed in collaboration with local and regional stakeholders. We believe subbasin plans can provide a context for establishing priorities to protect and restore important fish and wildlife resources and an important component of Endangered Species Act (ESA) recovery planning.

The Fish and Wildlife Service's responsibilities in the Columbia Basin extend from the headwaters in Idaho and Montana downstream to the estuary at Astoria, Oregon. They include responsibility for a variety of fish and wildlife resources and habitats, including migratory birds, wetlands, anadromous and resident fish, and many other important resources. Therefore, we are taking a comprehensive view of subbasin planning. We believe these plans should describe the status and current circumstances of the important fish and wildlife resources in each subbasin, express the goals and objectives to be achieved for each, describe the factors limiting their productivity, identify activities and time frames necessary to protect and restore these resources, propose lead and supporting entities responsible for carrying out those measures, and suggest appropriate organizational arrangements and sources of funding to implement the strategies identified in the plans. We believe the Council's 'Technical Guide for Subbasin Planning' (Council Document 2001-20) is a comprehensive guide that will assist subbasin planners on specific issues they may encounter when developing a subbasin plan. In general, adhering to the technical guide will provide the information we believe should be in a subbasin plan.

We also view subbasin planning as a critically important opportunity to implement ESA recovery in the Columbia Basin. Since subbasin plans will provide the basis for restoration actions, including funding, we believe it is important that recovery plan objectives for key ESA listed species are included. We will be bringing recovery objectives for ESA listed species to subbasin planners early in the process and we are willing to assist in their integration into subbasin plans.

By including important fish and wildlife resources into subbasin planning, these plans can identify high priority activities with overlapping benefits for a variety of species and habitats that can serve as a basis for development of project proposals. Therefore, we believe the focus of subbasin plans should be broader than just the fish and wildlife resources affected by the Federal Columbia River Power System, the non-Federal hydropower projects licensed by the Federal Energy Regulatory

Commission, or the mitigation measures that have been traditionally funded by the Bonneville Power Administration (Bonneville). In addition, they should not focus strictly on the needs of ESA-listed species, as important as they are, to the detriment or exclusion of other important fish and wildlife resources in the basin.

2). What role will the Fish and Wildlife Service have in subbasin planning?

We are involved in planning, developing, and implementing a wide variety of programs that protect and restore fish and wildlife resources in the Columbia Basin. Our regulatory role under the ESA is one of the more visible roles we have in the basin. However, our statutory responsibilities, legal authorities, and funding commitments extend well beyond the ESA. For example, our programs include producing Pacific salmon and steelhead at 12 National Fish Hatcheries, administering numerous fish propagation facilities authorized by the Lower Snake River Compensation Plan, helping negotiate fishery management agreements between the States and the Tribes (e.g., *US vs. Oregon*), administering large tracts of fish and wildlife habitat through the National Wildlife Refuge System (e.g., the Hanford Reach National Monument), managing the various migratory bird populations in the basin, working with landowners and land managers to restore fish and wildlife habitat on both private and public lands, and many other programs. Our wide variety of programs and extensive technical expertise enable us to provide information beneficial to subbasin planning.

We are taking an active role in subbasin planning. We support and encourage the planning process, we will participate at the three levels outlined by the Council, we plan to assist in stakeholder identification, and bring additional scientific information and value to the planning process. Our goal is to provide information and expertise early in the planning process to ensure subbasin plans are comprehensive, scientifically sound, implementable, and have the necessary stakeholder support. However, it is likely we will not be involved in subbasin planning at the local level in all 62 subbasins. Within our available resources, we intend to participate in subbasin planning in specific subbasins where our participation will add value to the process, and where we can provide information important to local and regional planners.

Our technical staff will actively participate in subbasin planning at the local level (Level 1). If we decide to become involved in subbasin planning in a particular watershed, our technical staff will attend subbasin planning meetings, bring the necessary recovery plan information to the subbasin planners, assist in the development of integration strategies, and review and comment on the draft plan. The staff will also be available to explain our various fish and wildlife management programs and documents, such as recovery plans for listed species, National Fish Hatchery programs, and National Wildlife Refuge activities. Our staff might also be available to develop specific sections of a subbasin plan. However, time constraints and workload priorities may preclude us from playing a major role in writing a subbasin plan.

Our Regional staff in Portland will continue to provide coordination and information to subbasin planning, primarily at the statewide level (Level 2). They will also interact regularly with the field

office technical staff who are working at the subbasin level. Regional coordination will include developing guidance to field staff, working with Council staff on technical and policy issues, reviewing subbasin work plans, working with specific provincial coordination groups (e.g., Lower Columbia/Willamette, the Intermountain Province), and being a central point-of-contact on all subbasin planning issues for the Fish and Wildlife Service. We will also be participating in the basin-wide policy forum (Level 3). Regional staff will provide technical support to the policy-level managers in this forum. This will include identifying and describing policy issues for resolution, developing and describing policy alternatives, recommending agency options, and working with Council members and Governor's office representatives as appropriate to ensure effective decision-making at the senior policy level.

3). Will subbasin planning affect the Fish and Wildlife Service's Tribal trust responsibilities?

Like all Federal agencies, we have important trust responsibilities to Native American Tribes in the Columbia Basin and elsewhere. We take our trust responsibilities seriously. As a representative of the Federal government and a steward of our nation's natural resources, we implement our fish and wildlife programs in a way that reflects our Federal trust responsibilities to Native American Tribes, respects tribal rights, acknowledges the treaty obligations of the United States toward tribes, and protects the natural resources the Federal government holds in trust for tribes. We are held to these principles through numerous treaties between the Tribes and the Federal government, Executive Order 13175 requiring government to government relations, Secretarial Order 3206 relating to Federal/Tribal Trust Responsibilities, and the Native American Policy of the U.S. Fish and Wildlife Service.

In addition to being comprehensive, credible, and implementable, subbasin plans must also fully recognize and respect Tribal sovereignty, rights, authorities, responsibilities, and interests. We look forward to working with the Council and other entities in the region to ensure the subbasin planning process works for everyone, including our Tribal partners.

4). Will the Fish and Wildlife Service be allocating additional resources to participate in subbasin planning?

Yes. We have received additional funding to participate in subbasin planning at the various levels outlined by the Council. Technical staff in our field offices are assisting in developing subbasin plans. These field offices include Spokane, Vancouver, Wenatchee, and Leavenworth, Washington; Portland, Oregon; Ahsahka and Boise, Idaho; and Helena, Montana. These staff members are the point-of-contact in their geographic areas for subbasin planning and their role is to assist subbasin planning at the local and provincial level. Our regional staff in Portland will continue to assist the Council's central staff and others with developing subbasin plans across the various provinces in each of the four States.

5). What role will the National Fish Hatchery System have in subbasin planning?

The National Fish Hatchery System in the Columbia Basin was built, and these facilities are being operated, to compensate for the loss of Pacific salmon and steelhead production associated with construction and operation of the Federal Columbia River Power System. As such, National Fish Hatchery (NFH) programs fulfill important needs that extend beyond a subbasin, a province, or even the Columbia Basin. We expect to participate in subbasin planning where National Fish Hatcheries are located to ensure the various interests and stakeholders recognize and understand the role of these hatcheries and the goals and objectives for fish production.

In the Columbia Basin, we operate the National Fish Hatchery System and implement fish propagation programs under regional agreements established pursuant to legislative mandates and judicial court proceedings, such as *US vs. Oregon*. Our participation in subbasin planning will provide information on our current hatchery operations and programs. If the results of subbasin planning recommend changes to National Fish Hatchery programs, we will consider those recommendations in light of these regional agreements. We cannot unilaterally change National Fish Hatchery programs but we are committed to working with the Council, subbasin planners, and a variety of stakeholders to provide information on National Fish Hatchery programs and to maximize their consistency with the goals and objectives of subbasin plans.

Specifically, we will be integrating NFH programs into subbasin planning through the development of Hatchery and Genetic Management Plans (HGMPs). We will use HGMPs to get up-to-date and consistent information about artificial production programs into subbasin planning. In addition, we will develop HGMPs, in cooperation with NOAA-Fisheries, to provide comprehensive ESA coverage for current hatchery operations on a hatchery-by-hatchery basis (Phase 1), to provide an outline for future hatchery reform (Phase 2), and to provide system-wide ESA coverage under section 7 of the ESA (Phase. 3). Phase 1 HGMPs are complete and are available to subbasin planners.

We are also assisting the Council in their Artificial Production Review and Evaluation (APRE) process for Pacific salmon and steelhead hatcheries in the Columbia Basin. We will provide the HGMPs to the Council and we will ensure they have the information necessary to incorporate NFH production programs into the APRE.

Our intent is to work cooperatively with the Council and regional fishery co-managers to ensure the National Fish Hatchery System continues to serve the needs of various constituents in the Columbia Basin and throughout the Pacific Northwest.

6). Will subbasin planning affect the Fish and Wildlife Service's other fish and wildlife management responsibilities in the Columbia Basin?

The mission of the Fish and Wildlife Service is to work with others to conserve, protect, and enhance the nation's fish, wildlife, and plant resources and their habitats for the continuing benefit of the American people. Comprehensive and scientifically credible subbasin plans will provide considerable assistance as we carry out our mission and implement our various programs throughout the Columbia Basin. By focusing on those activities identified in the subbasin plans,

we have the opportunity to allocate our limited resources to the measures with high resource benefits, that have local and regional support, and are consistent with the Council's Fish and Wildlife program. In addition to assisting the Council, Bonneville, and others in carrying out their responsibilities under the Northwest Power Act and the ESA, subbasin plans have the potential to assist our managers in improving implementation of our fish and wildlife programs throughout the Columbia Basin.

7). Can subbasin plans advance the objectives of the Endangered Species Act?

Yes. Our regional and field office personnel are working to ensure our ESA responsibilities (such as listing/delisting decisions, critical habitat designations, recovery planning, 4(d) rules, HCP planning, and section 7 consultations) are complementary with subbasin planning. We plan to integrate the objectives of the Council's subbasin planning process into our ESA obligations, in cooperation with NOAA Fisheries. This will promote implementation of subbasin plans and provide clear direction regarding the levels of resource protection necessary to achieve consistency with the ESA. We are currently working with Council staff to ensure effective coordination between subbasin planning and our ESA responsibilities. We appreciate the Council's efforts to work closely with us on these issues.

Threatened and endangered plants and animals are present throughout the Columbia Basin and it is likely that each subbasin has at least one listed plant or animal present. We can provide a list of those fish, wildlife, and plants listed as either threatened or endangered or are a candidate for listing in the provinces or subbasins in the US portion of the Columbia Basin. Many of these plants and animals have recovery plans that can assist subbasin planners. The decline of these plants and animals is a result of many factors, including the construction and operation of hydropower facilities on the Columbia River and its tributaries. But there are other factors involved in their decline as well. We expect subbasin plans to include specific measures necessary to restore a wide range of fish and wildlife resources regardless of the reasons for their decline, the traditional means by which these effects have been addressed, or the potential funding sources that may be available to assist in recovery. We look forward to working with the Council, Bonneville, other agencies, and a variety of stakeholders to implement the highest priority restoration actions identified in the subbasin planning process.

8). How will the Fish and Wildlife Service integrate the bull trout recovery plan with subbasin plans?

In November 2002, we released the draft recovery plan for bull trout in the Columbia Basin for public review and comment. The draft recovery plan includes one chapter for each recovery unit in the Columbia Basin (plus the Klamath Basin). The recovery plan will provide important information for subbasin plans in those tributaries with bull trout. In addition, review of the draft recovery plan will be an important opportunity for us to get stakeholder input on the adequacy of the plan and to revise it as necessary based on input from the recovery teams, scientific peer review, existing planning processes, local/regional interest groups, and the public. The final recovery plan should be completed in spring 2004.

The bull trout recovery plan will be of considerable importance to subbasin planners since many of the recovery unit chapters are specific to individual watersheds which the Council has identified for subbasin planning. The bull trout recovery plan includes the most recent technical information on the major Columbia River tributaries where bull trout are present. Plus it identifies the limiting factors to bull trout productivity, the potential actions that would lead to recovery, the population levels necessary to achieve recovery, and the stakeholders and technical experts who helped us write the plan.

We have provided a CD copy of the draft recovery plan to the Council's State coordinators for subbasin planning. In addition, we have developed a website that subbasin planners and the public can view and download information on bull trout including the entire recovery plan, individual recovery unit chapters for specific subbasins, and the critical habitat designations. Because of the difficulties associated with widespread distribution of the bull recovery plan, either through hardcopy or CD, we are encouraging interested parties to download the information from our website. The website address is <http://pacific.fws.gov/bulltrout>

For many watersheds, the outcome of subbasin planning will determine whether and where bull trout recovery is implemented in the Columbia Basin. It is our expectation that bull trout recovery will be a major component of subbasin planning in those subbasin where there is a recovery unit chapter. Our technical staff will bring the bull trout recovery plan, along with our other important fish and wildlife programs, to the subbasin planning teams and will assist in their integration with other important fish and wildlife needs. We intend to work with the subbasin planners early in the process to ensure bull trout recovery goals, objectives, and actions are incorporated into subbasin plans. Although we believe subbasin plans must be comprehensive, we expect subbasin planners to include recovery goals, objectives, and actions for bull trout into their subbasin plans. Our intent is to make that as easy as possible.

9). How will the Fish and Wildlife Service integrate the other ESA-listed species into subbasin plans?

For those plants and animals with approved recovery plans, we can provide subbasin planners with the recovery goals and objectives along with the specific measures necessary to achieve recovery. This will enable subbasin planners and various stakeholders to recognize the measures that will lead to recovery and to include them subbasin plans. By identifying the measures necessary to recover listed species, subbasin plans can begin to identify various measures that may have overlapping beneficial purposes. For example, improving stream flows may be necessary to recover a listed fish (e.g., bull trout) but these actions may also have considerable benefit for a variety of other fish and wildlife resources in a watershed.

In addition, we can provide subbasin planners with critical habitat designations for those species where critical habitat has been identified. The purpose of critical habitat under the ESA is to identify specific geographic areas that are essential to the conservation of the species and which may require special management considerations or protection. Identifying habitats that are important for the protection, restoration, and recovery of fish and wildlife resources listed under

the ESA is critical information that should be included in a subbasin plan.

10). Will subbasin planning affect the Fish and Wildlife Service's ESA responsibilities, particularly if final subbasin plans are not completed in the Council's time frame?

Our ESA responsibilities will be enhanced by the development and implementation of subbasin plans. The purpose of our early participation in subbasin planning is, in part, to ensure that subbasin planning and implementation of the ESA are complementary. However, our ESA programs will continue to move forward while subbasin plans are being developed. If a subbasin plan does not get final approval within the schedule outlined by the Council, our ESA responsibilities will continue. This will include producing and improving the bull trout recovery plan and other recovery plans, designating critical habitat, seeking public input, and revising these documents as necessary. We will also carry out our ESA responsibilities such as listing/delisting decisions, 4(d) rules, habitat conservation planning, and section 7 consultation while subbasin plans are being completed. Our participation in the planning process will ensure our ESA actions are fully considered by subbasin planners.

11). Will the Fish and Wildlife Service require subbasin plans to have specific measures for the protection and recovery of listed species, or any other species of fish or wildlife?

Subbasin planning is an important opportunity to highlight the needs of a wide variety of fish and wildlife resources, particularly those listed under the ESA. In addition, the ESA requires all Federal agencies to use their existing authorities to further the purposes of the ESA by carrying out programs for the conservation of threatened or endangered species. We cannot require a subbasin plan to include specific measures to protect, mitigate, or recover any particular species of fish and wildlife, including those that are listed. Our role will be to encourage, not direct, the subbasin planning process. If a subbasin plan fails, for whatever reason, to include recovery and restoration activities that are important to the Fish and Wildlife Service, we will document our efforts to incorporate these activities into the planning process and provide suggestions on how the Council can improve the subbasin plan to address our concerns.

12). Can the Fish and Wildlife Service provide ESA coverage for subbasin planning?

Through the subbasin planning process, we will work to identify possible mechanisms to provide ESA coverage for the protection and restoration measures and actions outlined in subbasin plans. We will take a flexible approach to address the range of factors and actions outlined in the plans. We can potentially provide coverage to specific entities through a combination of ESA tools and regulatory flexibility. The bull trout recovery plan ensures subbasin planners have the opportunity to identify actions necessary to recover the bull trout in specific tributaries and, ultimately, the Columbia Basin. We will bring the individual bull trout recovery unit chapters to the subbasin planners for their consideration in the subbasin planning process.

The actions described in a subbasin plan may be eligible for incidental take authorizations if they

are described in sufficient detail, are adequate for the biological requirements of the population and the recovery unit, and their implementation is assured. If there is a Federal agency action, we can issue an incidental take statement to the Federal agency following a section 7 consultation. The incidental take statement can cover the actions of local government, tribes, or private entities. Subbasin plans could also provide context for those individuals, organizations, or entities developing habitat conservation plans for those non-Federal activities that may take listed species. Within our existing resources, we are available to assist in the development of plans and programs that protect a wide variety of fish and wildlife resources, particularly those listed under the ESA.

13). What are the Fish and Wildlife Service's expectations regarding implementation of subbasin plans?

When subbasin planning is complete, the Council's Fish and Wildlife Program will be the most comprehensive description of the important fish and wildlife resources and high priority restoration activities available in the Columbia Basin. We recognize the importance of this effort and appreciate its value. However, we believe the strength of the Council's subbasin planning process resides in its potential for implementation through the Fish and Wildlife Program. Although the development of subbasin plans is separate from implementation of those plans, we believe that subbasin planning will achieve its greatest success when there is a high level of commitment to their implementation, particularly the high priority protection and restoration needs identified. In addition, we believe the value of subbasin plans extend beyond the Council or the Bonneville Power Administration. We intend to integrate high priority activities identified in subbasin plans into our current management activities, where they are consistent with our statutory responsibilities, legal authorities, and funding commitments. Likewise, subbasin planning can achieve considerable success when a variety of government agencies, organizations, and stakeholders implement the high priority activities identified, where such actions are appropriate and consistent with their organizational mission.

We believe that deciding which high priority restoration activities to implement should be separate from the decision on who will provide the necessary funding for these activities. Although we strongly encourage the Council to support the highest priority protection and restoration efforts, there is not likely enough funding from any single source to address all such activities in the Columbia Basin, even if they are identified in subbasin plans. Given that many important activities are likely to be identified in subbasin plans, we are concerned about the potential difficulty of establishing priorities across subbasins and provinces. When consensus is achievable, it is usually the most prudent way to proceed. In the absence of consensus, establishing biologically meaningful priorities across subbasins and provinces is both critically important and difficult to achieve. Creativity, flexibility, and cooperation will be necessary for the Council, Bonneville, the regional fish and wildlife co-managers, other Federal and State agencies, the Tribes, and the various stakeholders in the Columbia Basin to determine the most effective means of allocating limited funding. We believe that activities with the greatest biological benefit will include measures that lead to the recovery of listed species, particularly Pacific salmon, steelhead, sturgeon, bull trout, and other wide ranging resident and migratory species. Given the potential difficulties of establishing basin-wide priorities, we encourage the Council to continue engaging regional stakeholders in discussions on funding allocations that can achieve the greatest biological

benefit across the Columbia Basin.