



American Rivers

July 3, 2006

Carol Joyce
National Marine Fisheries Service
Salmon Recovery Division
1201 NE Lloyd Blvd., Ste. 1100
Portland, OR 97232

Via email: YakimaSalmonPlan.nwr@noaa.gov

Re: Comments on Draft Snake River Salmon Recovery Plan for Southeast Washington

Dear Ms. Joyce:

American Rivers appreciates the opportunity to comment on the Yakima Subbasin Salmon Recovery Plan (draft Plan) prepared by the Yakima Subbasin Fish and Wildlife Planning Board (YSPB). American Rivers is a national non-profit conservation organization dedicated to protecting and restoring healthy natural rivers and the variety of life they sustain for people, fish, and wildlife. American Rivers has a growing membership of over 39,000 people. Our Northwest Regional Office is based in Seattle and Portland and serves over 2,200 members in the region. American Rivers' programs focus on dam removal and hydropower dam reform, endangered aquatic and riparian species protection, water allocation, and clean water protection – including restoring Pacific salmon and steelhead to self-sustaining, harvestable population levels throughout the Northwest. Along with its conservation efforts, American Rivers promotes public awareness about the importance of healthy rivers and the threats they face.

In addition to the following comments, American Rivers expects to provide more extensive comments on the National Marine Fisheries Service's (NMFS) "roll up" plan for the mid-Columbia steelhead distinct population segment (DPS). American Rivers reserves the right to raise new issues, concerns, and questions about the adequacy of recovery strategies when the roll up plan is released for public comment.

We commend the YSPB for their hard work in drafting this plan to protect and restore anadromous fish habitat. We also appreciate the efforts to involve the public in the Plan's development. Below we comment on some of the strengths of the plan, but focus

on concerns that we urge NMFS and/or the YSPB to address prior to the release of the final Plan and the roll-up plans for mid-Columbia fish populations.

I. Vision Statement

American Rivers strongly supports the draft Plan's vision statement calling for restoring "self-sustaining and harvestable populations of indigenous fish and wildlife." We also strongly agree that fish restoration should be (and can be) accomplished through an open, cooperative, and respectful process, and that protecting our rivers and their fish and wildlife can enhance local and regional economies, cultures, and the quality of life in the Northwest.

II. Viability Criteria and Recovery Goals and Targets

American Rivers generally supports the viability criteria laid out by the Interior Columbia Technical Recovery Team (ICTRT) and its use of the approach outlined in McElhany et al. paper on Viable Salmonid Populations (VSP). The strength of the VSP criteria is that it includes not just abundance targets, but also requires that planners take into account other criteria essential to ensuring the long-term viability of salmonids, including productivity, spatial structure, and diversity.

While we support the general concept behind the VSP criteria, we have some significant concerns with the criteria as applied by the draft Plan, and fundamentally question whether "viability" is the same as "recovery."

It appears that viability does not equal recovery either for Endangered Species Act delisting purposes or "broad sense" recovery (if delisting levels and broad sense recovery are different). Viability is defined as ensuring a 5% or less probability of extinction over 100 years. In the 2000 Federal Columbia River Power System biological opinion (BiOp), recovery was defined as a 50% or greater chance of recovery within 48 years (recovery was not addressed by the 2004 BiOp, which is one of the reasons it was invalidated by a federal court). Meeting the latter standard required significantly larger survival improvements than did meeting the former standard.¹

The authors of the 2000 BiOp saw a clear distinction between survival (a 5% extinction risk) and recovery, but the draft Plan does not make this distinction, and NMFS does not appear to be making it either. The final Plan should explain whether a 5% risk of extinction is the same as recovery under the best available standards of conservation biology, and if so, what has changed over the last six years to make that the case.

¹ 2000 FCRPS BiOp, Appendix A, Tables A.3, A.4. Mid-Columbia steelhead are not addressed in Table A.4, but it is clear from other ESUs and DPSs that the 50% or greater chance of recovery standard requires greater survival improvements than does the 5% risk of extinction standard.

Putting aside the issue of whether viability as currently defined by NMFS is the same as recovery, it appears that NMFS may be poised to apply the ICTRT's VSP criteria in a manner that fails to meet the ICTRT's definition of viability – a 95% to 99% probability of persistence over 100 years. Specifically, it is unclear how allowing up to one-half the populations in a major population group (MPG) to be “maintained” at a 25% risk of extinction could result in a 5% or lower risk of extinction for the MPG over the next 100 years when the cumulative risk to both viable and maintained populations is calculated across the MPG. Wouldn't the risk across the MPG be higher than 5% if half the populations are allowed to be exposed to a 25% risk? The final Plan should address this concern.

We are also concerned that the application of the VSP criteria fails to take into account the risk of likely changes in runoff patterns and ocean conditions as a result of global warming. One way to account for these risks would be to strive for a lower risk of extinction than 5% over 100 years for viable or highly viable populations (e.g. the 1% risk level already recommended by the ICTRT for some key populations, and to lower the acceptable risk for “maintained populations” as well (assuming that “maintained” populations are compatible with achieving viability criteria in general).

III. Funding and Implementation

The draft Plan estimates that it will cost between \$150-\$200 million over the next 15 years, or about \$10-\$13.3 million per year. American Rivers believes that the ecological, recreational, cultural, and economic benefits from fish recovery be worth this sizeable investment.

However, American Rivers is concerned about how this plan and other salmon, steelhead, and bull trout recovery plans will obtain adequate funding in the current fiscal environment. Currently, salmon funding is going down, as evidenced by the recent cuts to the Pacific Coastal Salmon Recovery Fund (PCSRF). Cuts were made to Washington State's share of the PCSRF, which provides a significant portion of the funding for the Washington Salmon Recovery Funding Board.

We are also concerned that the Bonneville Power Administration's (BPA) Fish and Wildlife Program budget is too small to fund recovery plans on top of obligations to help fund the Federal Columbia River Power System biological opinion (FCRPS BiOp). The vast majority of BPA's current fish and wildlife budget is likely to be taken up by “offsite mitigation” for the BiOp, leaving little room for funding actions that go beyond addressing the harm caused by the federal hydrosystem.

The draft Plan mentions that the FCRPS BiOp is a potential funding source for implementing the draft Yakima Plan. Because the FCRPS BiOp is intended only to ensure that the federal hydrosystem meets its obligations under the Endangered Species Act, we urge the YSPB to focus its search for funding elsewhere so as to avoid “double counting” an action toward mitigation for the hydrosystem *and* the Yakima Plan. The

FCRPS BiOp must ensure the survival and at least allow for the recovery of the species it affects, while recovery plans like the Yakima Plan should implement additional actions to give a species a final push across the recovery threshold. Unless a single action is strong enough to accomplish both purposes at once, it cannot be credited toward accomplishing both goals.

American Rivers would welcome the opportunity to work with the YSPB, NMFS, and others in the region to advocate for increased funding for the PCSRF, BPA's Fish and Wildlife Program, and/or actions to reduce the impact of the federal hydrosystem so as to require less offsite mitigation and free up funding from BPA for efforts that contribute directly to recovery.

Regarding the timeline for implementation and attaining recovery, while we appreciate that some recovery actions take decades to reap their full benefit, we urge rapid implementation of the plan. Currently, many populations of steelhead and bull trout in the Basin are at high risk of extinction, which necessitates near-term survival improvements. This is especially true for high risk populations such as steelhead in the upper Yakima and Naches basins.

IV. Independent Review/Ongoing Role of the ICTRT

Independent scientific review helps to ensure that environmental decision-making is based on the best available scientific knowledge. As such, we support the draft Plan's call for the creation of an independent scientific review process. We hope that this process can serve two purposes: (i) it should determine the adequacy of the final recovery plan; and (ii) it should evaluate implementation and progress toward meeting recovery goals at the proposed "check-ins." The draft Plan currently endorses the second of these goals, but it should call for the first as well.

In addition, the final Plan should contain a commitment by NMFS that the ICTRT retain a meaningful role in recovery planning. In particular, the ICTRT should continue to track the status of populations, reassess viability criteria, and evaluate progress toward viability on an ongoing basis. Its efforts should be coordinated closely with the scientific review team discussed in the preceding paragraph (for instance, the ICTRT should play a role in ensuring that the final roll up for the mid-Columbia steelhead DPS is sound). It is important that the expertise the ICTRT has developed regarding the recovery plan continue to inform recovery efforts throughout the interior Columbia Basin.

V. Recovery Strategy

A. Habitat (including flow)

The draft Plan thoroughly identifies the habitat and flow factors that must be addressed to meet its goals. American Rivers supports the strategy outlined by the plan. Addressing

key, large-scale limiting factors such as flow problems associated with the “flip flop” regime, poor cottonwood recruitment (which is related to poor flow management), and the lack of fish passage at least some water storage dams is of the utmost importance to the success of this plan, as is improving agricultural and municipal water conservation practices.

The draft Plan is right to point out the need for stronger land use regulations that manage growth in a manner that is compatible with healthy rivers and fish habitat. Absent more protective land use policies, ecological degradation associated with poorly planned growth could cancel out or even outpace restoration efforts. In addition, land use regulation can be fiscally efficient for local governments in that it can reduce the need for alternative land protection strategies, such as land acquisition.

The draft Plan’s criteria for prioritizing projects appears sound, but only describes a method and a process for prioritization. The final Plan should better explain which projects are most important to fund and implement first, and why.

B. Hydrosystem Management

As the draft Plan points out, improving migration conditions through the hydrosystem and estuary conditions is important to achieving recovery in the Yakima Basin. In addition to addressing dam passage and estuary health issues, NMFS should call on federal and mid-Columbia dam operators to allow for a more natural hydrograph. As noted in the draft Plan, “[l]oss of the July peak flows in the Columbia system has likely reduced flows and increased temperatures in the Lower Yakima in areas downstream of Wanawish Dam, an area where temperature extremes currently limit salmonid survival and diversity” (p. 92).

The YSRB should use its influence to pressure the federal government to ensure that the new FCRPS BiOp promotes rather than limits the success of the Yakima plan and other upriver salmon and steelhead recovery plans. Even better, NMFS could negate the need for such pressure by ensuring that the FCRPS BiOp promotes the near-term success of local recovery efforts.

C. Hatchery Strategy

The draft Plan’s emphasis on restoring steelhead and bull trout through improving habitat and minimizing dependence on hatcheries is sound, as is its recognition of past detrimental effects from out-of-basin hatchery steelhead stocks. The draft Plan’s strategy is supported by the following statement from the Salmon Recovery Science Review Panel’s report issued for its August 30-September 2, 2004 meeting at the Northwest Fisheries Science Center (available at http://www.nwfsc.noaa.gov/trt/rsrpreportsept30_2004e.pdf, p. 11):

Despite recent improvements in the practices of some hatcheries (more careful genetic management of brood stock, attempts to mimic features of

the natural environment), hatcheries will never produce salmonids with the same evolutionary potential as those spawned and reared in the wild. A perpetual metapopulation between wild and hatchery salmonid populations is not an acceptable recovery for listed salmonids under the ESA. Fish removed from nature to propagate in hatcheries always constitute a loss to the evolutionarily significant natural population. For listed salmonids, this must be done only as a last resort to boost numbers to the point at which the natural population can become self-sustaining, and these hatchery conservation programs need defined termination dates or criteria. Hatcheries managed for harvest production must be viewed as potential or actual threats to listed wild stocks, and must be managed to limit impacts on wild populations so as to not violate the ESA.

The final Plan should include more information about the kelt reconditioning program. For instance, do these fish return to spawning grounds after they are released from the reconditioning facilities, or are they transported below Bonneville Dam with an opportunity to return to the ocean? Can a spill program be designed at the Yakima River and/or mainstem Columbia dams to facilitate safer downstream passage for kelts, either with or without reconditioning?

D. Harvest Management Strategy

The long-term health of Yakima Basin steelhead and bull trout fisheries depends on the restoration of wild, self-sustaining populations. Until these stocks are recovered, harvest of listed stocks should err on the side of rebuilding these populations rather than allowing short-term harvest opportunities. We encourage NMFS to undertake a vigorous monitoring program so that harvest management can be effectively adjusted should it become evident that listed stocks are being caught at levels that significantly impede progress toward recovery.

That said, the draft Plan is likely correct that harvest is a relatively minor limiting factor to the recovery of Yakima steelhead than are other factors such as habitat, flow, and hydropower operations. However, just how minor that impact is is unclear based on an apparent discrepancy between information contained in the draft plan and in the 2004 FCRPS BiOp. The draft Plan states that NMFS has concluded that harvest impacts are 10-15% on steelhead (p. 92), while the 2004 BiOp, on Table 5.3, shows that impacts from non-treaty fisheries on mid-Columbia steelhead are under 2%, and impacts from treaty Indian fisheries are 3.6%. The final Plan should present the most accurate assessment of harvest impacts available.

VI. Effects of the Recovery Plan on Listed Species

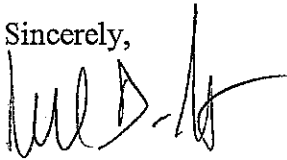
The draft Plan states that “it is highly probable that the recommended actions, including actions with in the lower Columbia for steelhead, would result in the recovery of listed fish species in the Yakima subbasin. This assumes the actions in this plan are

implemented and monitored” (p. xxiv). The final Plan should provide more information on how it arrived at this conclusion. A possible model here could be Washington’s draft salmon and steelhead recovery plan for the Snake River/Southeast Washington, which used EDT estimates of whether any “gap” (i.e., a need for further increased survival improvements) remained between its recovery goals and the results of the actions it prescribed. If relying exclusively on EDT is a concern, the EDT analysis could be supplemented by other data and professional judgment.

As with the draft Yakima Plan, no final FCRPS BiOp was in place during the final drafting of Washington’s Snake River plan, so the Snake plan used the 2004 FCRPS BiOp as a placeholder. This is likely appropriate, as identifying any remaining recovery gap when the benefits of the 2004 BiOp and the Yakima recovery plan are added together should spur NMFS to call for stronger hydrosystem actions as part of the next BiOp and/or insist on additional actions in the Yakima plan.

Thank you for the opportunity to provide feedback on the draft Yakima Subbasin Salmon Recovery Plan, and please contact me at 206-213-0330 or mgarrity@americanrivers.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Garrity', with a stylized flourish extending to the right.

Michael Garrity
Associate Director, Columbia Basin Programs

