



# 7. Regional Context



# 7

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### 7.1 OUT-OF-SUBBASIN CONSIDERATIONS

The important role that the six federal and five PUD downstream hydroelectric projects play in limiting the viability of Upper Columbia River summer/fall Chinook populations cannot be overstated. Although, as noted earlier, fish mortalities through the Columbia River dams have decreased in recent years, the toll the dams take on the Okanogan subbasin's summer/fall Chinook populations is still the greatest limiting factor for this population. Actions to improve juvenile and adult salmon survival through the Columbia River hydroelectric projects are critical to the long-term viability of natural-origin summer/fall Chinook populations and to the success of the CJDHP.

The effect of ocean and lower-river harvest, on the number of fish returning to the Okanogan subbasin is also a considerable factor in the sustainability of naturally-spawning populations. As noted earlier, the outcome of ongoing *U.S. v Oregon* negotiations will potentially have a significant impact on the benefits of the CJDHP.

Favorable ocean conditions in the recent years have also underscored the significance that ocean habitat plays in the life cycle of salmonids. In addition, global warming, human population growth, as well as political and economic priorities, are inescapable factors to the success of conservation and recovery efforts. While the CJDHP cannot possibly address these out-of-subbasin considerations directly, they are at least acknowledged implicitly in the thinking underlying the program design.

### 7.2 CURRENT AND PLANNED REGIONAL MANAGEMENT ACTIVITIES

A number of regional (i.e. Columbia River Basin scale) management activities have potential significant impacts on the implementation of the CJDHP. Management decisions and actions at the basinwide scale related to harvest, habitat, hydropower and hatcheries all obviously would have varying impacts on the proposed CJDHP and vice versa. Federal Columbia River Power System operations including decisions related to spill, flow, flood control, Upper Columbia Alternative Flood Control (VARQ), etc. all will influence the potential benefits of the CJDHP. In addition, management activities in the Columbia River estuary, management of predators throughout the length of the mainstem and into the estuary, management of mainstem habitat, and management of other hatchery programs in the Columbia Basin will also affect the CJDHP. Following is a very brief accounting of a handful of specific management activities that must be taken into account in relationship to planning and implementation of the CJDHP.

#### 7.2.1 COUNCIL'S FISH AND WILDLIFE PROGRAM AND ARTIFICIAL PRODUCTION REVIEW

The regional management framework and scientific principles articulated through the Council's 2000 Fish and Wildlife Program have provided significant guidance and context for the development of the CJDHP. This Master Plan is developed specifically to meet those programmatic guidelines and is attuned with the larger basinwide recovery and restoration context outlined in the Council's Program.

More specifically, the Council's Artificial Production Review (APR) (NPPC 1999) identifies necessary reforms of artificial production programs throughout the Columbia Basin. The APR includes 10 policies to guide the use of artificial production. This Master Plan, and the summer/fall Chinook HGMP (and spring Chinook HGMP) which form the backbone of the CJDHP, include a comprehensive set of performance standards and their associated performance indicators which are consistent with the guidelines developed

through the APR; and with the spirit of reforms suggested in the APR.

### 7.2.2 ESA AND BIOLOGICAL OPINION

The ESA status of anadromous fish in the Okanogan subbasin has been discussed in previous Chapters of this document. The CJDHP is largely based on the summer/fall (and spring) Chinook HGMPs. The HGMPs are designed to address ESA requirements and include specific discussion of potential ecological interactions and possible take of ESA listed species. Both of these HGMPs are currently in the three-phase NOAA Fisheries review process.

*National Wildlife Federation et al. v National Marine Fisheries Service et al.* challenged the NOAA Fisheries 2000 Biological Opinion (BiOp) on operation of the Federal Columbia River Power System for salmon and steelhead. In June 2003, Judge Redden remanded the 2000 BiOp to NOAA Fisheries to resolve several deficiencies including: reliance on federal mitigation actions that have not undergone section 7 consultation under the Endangered Species Act; and reliance on range-wide off-site non-federal mitigation actions that are not reasonably certain to occur. In a subsequent “minute order,” the Judge denied plaintiffs’ motion to vacate the BiOp and stated that it will remain in place as deficiencies are addressed.

NOAA Fisheries is currently engaged in collaboration with state and tribal entities on scientific and analytical issues relevant to the remand process for revising the 2000 BiOp. Because this process is ongoing, NOAA Fisheries has at present deferred making decisions about revisions to the BiOp until these collaborative efforts are complete. Ultimately, the result of these negotiations will have direct and indirect results. In addition, the decision recently announced by the Bush Administration regarding how to consider hatchery fish relative to wild fish may have enormous implications for salmon recovery programs throughout the Columbia River Basin.

### 7.2.3 U.S. V OREGON

*U.S. v Oregon*, legally upheld the Columbia River treaty tribes’ reserved fishing rights. Specifically the decision acknowledged the treaty tribes reserved rights to fish at “all usual and accustomed” places whether on or off

the reservation, and were also entitled to a “fair and equitable share” of the resource. *U.S. v Oregon* is tied closely to *U.S. v Washington*, which among other things defined “fair and equitable share” as 50% of all the harvestable fish destined for the tribes’ traditional fishing places, and established the tribes as co-managers of the resource.

In 1988, under the authority of *U.S. v Oregon*, the states of Washington, Oregon and Idaho, federal fishery agencies, and the treaty tribes agreed to the Columbia River Fish Management Plan (CRFMP), which defined detailed harvest and fish production processes. This Plan expired in 1998, and is currently being renegotiated.

The Colville Tribes were not a party to the *U.S. v Oregon* agreement. The upper Columbia River fisheries nevertheless, are significantly impacted by harvest levels agreed to in *U.S. v Oregon*. The Colville Tribes have proposed that some core principles be considered in the current negotiations of *U.S. v Oregon*. These principles are important to assuring the sustainability of naturally-spawning populations of salmon and steelhead in the Okanogan subbasin and are crucial to the implementation of the CJDHP. The Colville Tribes’ recommended principles state:

- Lower river (Zones 1-6) and ocean harvest of salmon and steelhead stocks arising from the Okanogan River and Columbia River below Chief Joseph Dam, the Colville Tribes’ traditional fishing areas, must allow sufficient fish to return to provide the Colville Tribes with a stable, equitable, and sufficient ceremonial and subsistence fishery. Sufficient fish should also be allowed through lower river fisheries to provide for an Okanogan recreational fishery in co-managed waters.
- Lower river and ocean harvest of salmon and steelhead stocks arising from waters in the Colville Tribes’ remaining fishing areas must allow sufficient escapement to meet objectives for naturally-spawning populations and hatchery broodstocks.
- Artificial propagation and habitat restoration programs to mitigate salmon and steelhead populations historically accessible to the Colville Tribes must provide equitable numbers of fish to waters currently available for Colville Tribes’ harvest.
- Production and harvest programs must not significantly impede the recovery of salmon and

steelhead populations and fishing opportunities available to the Colville Tribes.

- Harvest and production planning within the *U.S. v. Oregon* management framework must account for and integrate the future propagation and habitat programs and plans of the Colville Tribes.

#### **7.2.4 REGIONAL RESEARCH, MONITORING, AND EVALUATION PROGRAMS**

There is substantial agreement throughout the Columbia River Basin on the need for better basinwide and province scale coordination of the design, implementation, data archiving and analysis of research, monitoring and evaluation programs. Such coordination includes the need for improved and standardized performance measures and indicators, improved (increased) use of available technology such as fish tagging, and standardization of data collection protocols and reporting tools. Efforts to achieve these improved levels of coordination at a basinwide scale are in their infancy in the Columbia River Basin.

Recently NOAA Fisheries implemented a standardized set of performance measures for all programs funded through the Pacific Coastal Salmon Recovery Fund (administered by states and tribes in Washington, Oregon, California, Idaho and Alaska). Another recent large-scale coordination effort is a group called the Pacific Northwest Aquatic Monitoring Partnership (PNAMP). Although this group is just getting started, it was established with the intent to coordinate scientific information related to anadromous fish such as watershed condition monitoring, fish population monitoring, effectiveness monitoring, and management of resulting data at a regional scale. To date, PNAMP participants have included state, federal, and tribal personnel. Those participants have drafted a coordination plan for monitoring in the Pacific Northwest titled, *Recommendations for Coordinating State, Federal, and Tribal Watershed and Salmon Monitoring Programs in the Pacific Northwest*.

The Okanogan Subbasin Plan contains a fairly detailed review of the PNAMP recommendations, information regarding the Columbia Cascade province-scale monitoring activities, as well as summaries of important Canadian research, monitoring and evaluation

initiatives. Additional discussion of specific CJDHP and Okanogan subbasin monitoring and evaluation is contained in Chapter 10 and in Appendix H.

Monitoring and evaluation activities associated with the CJDHP will be coordinated to the maximum extent possible with larger scale regional research, monitoring and evaluation programs. The Colville Tribes anticipate that as these regional programs evolve they will contribute substantial information necessary to most effectively adapt the CJDHP.