

**REMAND COLLABORATION STATUS UPDATE**  
**For the FCRPS 2006 Biological Opinion**  
**October 2, 2006**

This update describes the status of the remand collaboration process and provides additional details on activities undertaken by NOAA, the FCRPS Action Agencies, and participating sovereigns to develop items to be included in an All-H based proposed action or reasonable and prudent alternative (PA/RPA) and to clarify policy issues in an effort to reach agreement or narrow the areas of disagreement on scientific and technical information utilizing the 10-step framework previously submitted to the Court.

The intensity of the collaboration increased during the period and included two multi-day meetings of the PWG. (See Attachment 1). These “retreats” occurred August 5 - 7 in Boise, Idaho and August 23 - 25 in Spokane, Washington. (See Attachments 2 & 3). The primary focus of the retreats was to narrow policy issues in order to advance development of a PA/RPA for the FCRPS.

Planning and preparation for the retreats required the attention of the PWG and technical work groups. Issues were identified and summarized in advance to further clarify policy issues for discussion, as well as to “drill down” and organize the information developed by technical workgroups over the course of the collaboration for the PWG’s review and consideration.

Meetings commenced with a presentation that provided a brief, policy-level overview of each issue. This was followed by lively back-and-forth discussions among participants. Following a deliberative period (overnight), representatives of each non-federal sovereign were provided uninterrupted opportunities to express their views regarding the issues and information, as presented. Some of the sovereigns supplemented their remarks with written statements. Following each of the sovereign’s presentation, participants were provided an opportunity to ask clarifying questions.

After a period for deliberation the federal participants expressed their views, positions, and questions regarding the issues, responded to the sovereigns’ remarks and---to the extent they were able---indicated their inclination (“where they were going”) with respect to development of the PA/RPA, including key components of alternative recovery strategies, priorities for management actions, and performance measures.

Overall, the participants agreed that the discussions were productive. At the same time, there was a renewed appreciation and deeper understanding that the 10-Step collaborative framework is truly iterative in nature.

The federal agencies are considering a request for a brief schedule extension and preliminary discussion has taken place in the PWG on this subject.

## **Steps 1-3: Recovery Goals, Current Status, and Gaps**

The Goals and Gaps Workgroup evaluated NOAA recovery materials and other documents, considered and analyzed methods used to calculate gaps and estimate changes in survival, revised the ESU overviews, and worked to identify and clarify for the PWG the technical issues and policy-level choices relevant for completing Steps 1-3. The PWG is continuing to review and consider this compilation of information.

At the August retreat in Boise, discussions of Steps 1-3 were organized around and focused on the following issues:

- “roll-up” of long-term recovery goals from population and major population group levels for management purposes to ESU level
- priorities for actions within each ESU, across ESUs, and basin wide
- the role of hatcheries in supporting recovery goals and strategies
- progress over the term of the BiOp and within timeframes for recovery
- concerns about the availability, quality and uncertainty of data
- strategies for updating estimates of survival to reflect current status.

Building upon the discussion in Boise, the PWG considered the following issues at the retreat in Spokane:

- the appropriate level of risk
- assumptions regarding future ocean conditions
- incorporation of Interior Columbia Technical Recovery Team products (gap analysis)
- the portion of the gap achieved within the BiOp timeframe.

## **Step 4: Human Caused Mortality Factors Contributing to the Gap**

The Framework Workgroup addressed a number of technical issues (e.g., delayed mortality, normalization and apportionment) embodied in its May 4 interim report on mortality factors.

The PWG is continuing to consider how a range of survival-based estimates of relative human impacts (direct and indirect) of various sources of mortality, as well as how the differing opinions, interpretations and methods that such estimates (e.g., latent mortality) are based upon, should be incorporated and applied within the 10-step framework.

At the Spokane meeting, the PWG considered the following issues:

- the role of alternative assumptions, issues and uncertainties in the characterization of relative impacts of human-caused factors contributing to the gap
- how to update information in the assessment of human-caused mortality to reflect changes in survival and/or current status
- the application of Step 4 to development of the PA/RPA within the overall conceptual framework for the remand collaboration.

## **Step 5: Federal Actions and Non-Federal Activities to fill the Gap**

Considerable effort was made to advance the development of the PA/RPA by the PWG with support from products produced by the various workgroups regarding the development of actions and tools for evaluation of their beneficial effects.

As a follow-up to the retreat, a subgroup of the PWG is working to develop an ESU-by-ESU template and summary document, which “focuses on the fish” by linking management actions across each “H” to ESU-specific goals, gaps and limiting factors. The PWG will consider this information in applying Steps 1-4 to development of proposed actions (for the FCRPS and others) within the overall conceptual framework for the remand collaboration.

### **Hydro**

In addition to the general agreement on areas identified in the June 29, 2006 Remand Collaboration Status Update, the PWG made progress in reaching an understanding of the underlying technical and biological information relied upon by various sovereigns in their policy positions on key areas for operation and configuration of the FCRPS. The August retreat in Boise was largely dedicated to this effort. Issues that received in-depth discussion and non-Federal sovereign input included:

1. Flow Management Issues:
  - Spring vs. Summer Flow priority
  - Montana proposal for Libby and Hungry Horse summer operations
  - Nez Perce Tribe proposal for Dworshak summer operations
  - Improving flows in low water years
  - Summer draft limits
  - Minimum Operating Pool – Bonneville, The Dalles, John Day
  - System flood control study
  - Load following study
  - Operating storage projects to monthly flood control upper rule curve throughout the winter and early spring
2. Spill Management
  - Spring spill at collector projects (LGR, LGS, LMN)
  - Spring spill at non-collector projects (IHR, MCN, JDA, TDA, BONN)
  - Summer spill at collector projects
  - Summer spill at non-collector projects
  - Summer spill termination date
  - How to assess when 95% of summer migrants have passed Snake River projects
3. Transportation Issues
  - Definition of spread the risk
  - Agreement on future spring transport operations

- Agreement on staggering the start of transportation
  - Summer transportation
4. Proposed Performance Standards for Hydro
    - Adult survival
    - Juvenile survival
    - System survival

A variety of views were expressed on these and other related issues raised by members of the PWG. A constructive exchange served to inform the FCRPS Action Agencies in further development of the PA/RPA. Issues were narrowed and a number of items identified for additional discussion and evaluation by the PWG, (e.g., review of passage modeling results and other information).

## **Habitat, Hatcheries and Harvest**

The habitat, hatcheries and harvest items and related policy and technical issues had not been fully developed or discussed within the PWG prior to the retreats. This was due in part to “from the ground up” nature of the products from the technical workgroups and the PWG’s initial focus on hydro actions. These products, FCRPS Action Agencies’ presentation of additional information, and the issues as summarized were the basis for discussion of the following “off site” mitigation elements of the PA/RPA at the August retreat in Spokane:

1. Habitat
  - Prioritizing areas of emphasis for initial habitation actions
  - How to assess/credit biological benefits of:
    - Conservation of high quality habitat
    - Past actions, the effects of which have not yet been fully expressed
    - Actions, the effects of which will accrue beyond the term of the Biological Opinion
    - Studies necessary to implement actions
  - How to convert technical workgroup products into a PA/RPA – level of detail desirable for PA/RPA
2. Hatcheries/Harvest
  - How hatcheries are/should be considered in ESU strategies for recovery?
  - How are Interior Columbia Technical Recovery Team recommendations for treatment of hatcheries being address on a hatchery program basis?
  - How to assess/credit biological benefits:
    - Role of hatcheries producing ESA listed fish in providing biological benefits to listed species
    - Role of conservation hatcheries in achieving their goal of providing biological benefits to recovery of ESA listed species

A variety of views were expressed on these and other key issues raised by members of the PWG. The exchange of views was constructive and will inform the FCRPS Action Agencies in further development of the PA/RPA. The PWG is scheduling a multi-day collaboration that will focus on specific actions in all H's in early November. In addition there was some initial discussion of a potential abundance-based harvest strategy for Snake River Fall chinook.

### **Step 6: All-H Integration, Certainty of Implementation and Effectiveness**

Prior to the PWG meeting in Spokane, a subgroup of the PWG worked to summarize and clarify policy-level choices in determining: 1) recovery survival gaps; and 2) the share of the gap expected to be filled by FCRPS Action Agencies. The purpose was to help guide discussion of proposed actions by the FCRPS and others.

At the retreat in Spokane, the PWG discussed the appropriate level and specificity of off-site actions (e.g., funding, authority and assurances) for assessing the certainty of implementation of the proposed action for the FCRPS, as well as activities of other entities considered in the RCTO analysis.

The PWG also considered the level of specificity (qualitative and/or quantitative) required in describing offsite actions and other entities' activities in an effort to determine if the same level of specificity is necessary to estimate negative impacts which may occur in the future.

The PWG intends to continue discussion of these issues.

### **Step 7: Research, Monitoring and Evaluation**

The RME Workgroup is continuing to design, define and standardize types of RME projects appropriate for recovery in general and for the PA/RPA. This includes strategies for: 1) monitoring populations, environmental status and trends; 2) research to determine the effectiveness of actions; 3) research to evaluate and resolve scientific uncertainties; and 4) monitoring of project implementation and compliance. Future discussion will identify priorities within the RME framework and the agency/entity responsible for implementing individual elements.

### **Step 8: Contingencies and Emergencies**

The PWG has deferred work on Step 8 until after September, 2006 to allow for development of the PA/RPA and identification of areas that may require treatment. Strategies for proceeding with this element of the framework are currently a subject of discussion within the PWG.

## **Step 9: Oversight and Governance**

Prior to the retreats, a subgroup of the PWG considered and evaluated elements of governance and lessons learned by participants in other collaborative frameworks (e.g., CALFED). Subsequently, the subgroup developed for the PWG's consideration a draft work plan for completing Step 9.

This draft included a description of tasks for a governance structure that could provide coordinated oversight and implementation of a PA/RPA and related elements (e.g., dispute resolution procedures). The subgroup also identified a range of issues and key questions for the PWG's consideration, including but not limited to 1) funding responsibilities, and 2) the alignment and relationship between oversight and implementation of the PA/RPA and broader regional efforts undertaken for fish and wildlife basin wide, and 3) linkage to a possible long term MOU among participating sovereigns.

The PWG intends to continue these discussions in conjunction with development of the PA/ RPA including RME and contingencies.

## **Step 10: Biological Opinion**

The PWG and NOAA Fisheries discussed issues relevant to the development of the final FCRPS Biological Opinion. NOAA Fisheries presented its method for determining jeopardy in the biological opinions for the FCRPS and for the USBR irrigation projects in the Upper Snake River in the form of two memos to the PWG. The first memo outlined the jeopardy standard and NOAA's intended approach to the jeopardy analysis. The second memo illustrated the kind of metrics that may be appropriate for the analysis once specific actions for the FCRPS are identified. NOAA Fisheries also discussed the first memo with Tier II parties and anticipates discussing the second memo with them in early October. The PWG has discussed the relationship of the jeopardy analysis to the 10-step framework.