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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

NATIONAL WILDLIFE FEDERATION, *et*  
*al.*,

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

Case No.: 3:01-CV-00640-SI

EXTRA-RECORD DECLARATION OF  
ROBERT ROSE

v.

NATIONAL MARINE FISHERIES SERVICE,  
*et al.*,

Defendants,

and

NORTHWEST RIVERPARTNERS, *et al.*,

Intervenor-Defendants.

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I, Robert Rose, state and declare as follows:

1. I am currently employed by the Yakama Nation Fisheries Resources Program and have been so since 2000.

2. I graduated from Oregon State University in 1984 with a B.S. in Fisheries Sciences and have worked in this field since my graduation.

3. Beginning in 1992 I was employed with the U.S. Forest Service in Northeast Oregon serving the Wallowa-Whitman National Forest (WWNF) for several years and then the Malheur National Forest. During this time, Snake River Spring Chinook recently had been listed under the Endangered Species Act. Many management activities I was involved with on the WWNF were related to site-specific Biological Assessments of forest practices affecting listed salmon. I was actively involved in completing the first Biological Assessments at the subbasin scale for USFS management activities within six subbasins in NE Oregon including the Wallowa River, Lostine River, Minam River, Big Sheep Creek, Imnaha River, and Bear Creek.

4. Another primary role I served with the Forest Service was to coordinate and implement stream habitat surveys. In many cases these surveys provided baseline information that lead to stream protection and restoration activities. Also, while employed with the WWNF, I provided technical information and input used to assess the Grande Ronde subbasin using the

Ecosystem and Diagnostic and Treatment (EDT) method, developed by Mobrاند Biometrics Inc. The EDT model is designed to estimate stream reach contributions to salmonid productivity as a result of changes in salmonid habitat conditions, specifically, from habitat restoration actions.

5. The EDT methodology is an “expert-based” model. Where specific data are not available a consensus of expert opinion is used to populate the model. In the case of the Grande Ronde, the assessment included the expertise of many local scientists and individuals with experience in the subbasin concerning salmonid habitat conditions and salmonid biology. A total of 19 habitat attributes, for both current and historic stream conditions, were considered for each of the stream reaches included in this modeling effort (e.g.; 100 to 300 reaches would not be uncommon in most Columbia basin subbasins). I mention this level of detail to emphasize two things, 1) application of this model, and eventually the interpretation of the results was a very large effort and 2) this experience exposed me to the application of EDT and other assessment methods and related scientific debate.

6. Because of this experience in evaluating salmonid habitat and my involvement in the Grande Ronde EDT modeling, I took a position with the Confederated Tribes of the Warm Springs (CTWS). My primary responsibility was to work with Mobrاند Biometrics to employ the EDT methodology in the Deschutes subbasin in Oregon. This EDT analysis was used to identify mitigation measures included in the CTWS Final License Application to the Federal Energy Regulatory Commission (FERC) for the CTWS to own and operate the Pelton-Rounde Butte hydroelectric project on the Deschutes River. This analysis included approximately 10 – 20 technical experts, often meeting on a monthly basis, over a period of 18 - 20 months. An additional 2-plus months were required to complete and translate the EDT results into Terms and Conditions for the Final License Application.

7. In March 2000, I was employed by the Yakama Nation as the Assistant to the Environmental Manager. My primary job responsibilities were related to habitat restoration planning and coordination, including substantial involvement in completing the 2004 Subbasin Plans for the Wenatchee, Entiat and to a lesser degree the Methow subbasins in the Upper Columbia. I was also significantly involved with the completion of the Upper Columbia Salmon Recovery Plan (UCSRP), and the Washington State motivated Watershed Plans for the Wenatchee and the Entiat subbasins. Among other things, my efforts led to the design and completion of the detailed Implementation Schedules for habitat restoration actions associated with these planning efforts, especially for the UCSRP. The framework and format of these Implementation Schedules eventually became integral in the development of the habitat actions contained in the 2008 FCRPS Proposed Action and associated Biological Opinion and MOA. In years 2001 – 2002 I also was the lead in developing an EDT assessment in the Entiat subbasin with a focus on Spring and Summer Chinook. The anadromous component of the Entiat is relatively small compared to many Columbia Basin subbasins. In this case, we dissected the Entiat into 18 stream reaches and we employed over 40 habitat attributes for the analysis. Regardless of the relatively smaller size of this subbasin, the entire process required over one year to complete, including support from approximately 8-10 key technical experts and various landowners with extensive knowledge of the stream system. To support the development of the UCSRP, an EDT model was also developed for the Wenatchee and Methow subbasins. I also played a smaller role in these efforts.

8. In addition, a large part of my responsibilities with the Yakama Nation included close involvement with the development and implementation of the Mid-Columbia (ESA Section 10) Habitat Conservation Plans for Chelan and Douglas County Public Utility Districts (PUDs)

and also the Salmon and Steelhead Settlement Agreement between Grant County PUD and the relevant state, federal and tribal governments, including the Yakama Nation. As a part of these agreements, similar to the FCRPS BiOP, the PUDs fund over three million dollars annually for habitat protection and restoration work as a part of their FERC License obligations to mitigate for continued loss of salmonid productivity. To meet this requirement, each of the PUDs sponsors a Committee whose primary role is to oversee expenditure of these funds to implement salmonid habitat protection, mitigation and enhancements projects in the Upper Columbia region. This region corresponds closely with the Upper Columbia Evolutionary Significant Unit (ESU) for Spring Chinook and the Upper Columbia Distinct Population Segment (DPS) for Summer Steelhead. I have represented the Yakama Nation and have been actively involved with these three Committees since their establishment several years ago.

9. I have also represented the Yakama Nation in the various habitat technical teams established in the Wenatchee, Entiat and Methow subbasins. The primary role of these teams is to guide the development of habitat protection, enhancements and restoration within the perspective subbasins.

10. And finally I was a member of the Upper Columbia Regional Technical Team (RTT) from 2001 until about 2007. The RTT's primary role is to evaluate habitat protection and restoration proposals on their technical merits. In a typical year we may have evaluated 15 – 20 habitat projects. The RTT is also fundamentally involved in coordinating habitat monitoring and has played a leadership role in establishing monitoring strategies throughout the Upper Columbia incorporating Columbia Basin regional efforts and protocols.

11. Much of my professional career has been dedicated to evaluation; habitat restoration planning and implementation; and management of salmonid habitat conditions

primarily in the Upper Columbia River. This has been a focus of my work between 2000-2009 for the Yakama Nation, and my involvement with the Lower Columbia River Tribes.

12. Since 2009, I have served and continue to serve as the Hydro Coordinator for the Yakama Nation and continue to oversee fishery related activities and mitigation associated with Columbia River Basin hydroelectric dams.

13. From my experience with habitat restoration, I participated as a representative of the Yakama Nation in the 2007 Remand Habitat Collaborative Workgroup (RHCW) and was a very active member in the development of the Expert Panel process that is currently in use.

14. I brought this experience to the Columbia River Inter-Tribal Fish Commission and member tribes, and during the preparation for the Accords we developed a database to collect and to hold a list of the restoration actions that were being planned for implementation. Given the appropriate expert input, this database also provided the ability to easily compute the expected habitat function benefits and estimates of egg-smolt survival improvements resulting from restoration actions. The framework, logic and components of this database are based on and consistent with the work developed by the RHCW.

15. On September 24, 2008 I provided testimony to the United States District Court, District of Oregon (Declaration of Robert Rose in support of Memorandum of Amici Warm Springs, Umatilla, Yakama Tribes in opposition to Motions for Summary Judgment) outlining my involvement with the RHCW and my views concerning the application of the method and the appropriateness for its use as an analysis tool, given the lack of any other tool. I reference the reader to this testimony for a brief review of the methods used in estimating habitat and biological benefits from habitat restoration actions.

16. I participated in the 2009 Expert Panel process within the Upper Columbia which I believe was the first time a Panel had been convened to evaluate the habitat in terms of its “function” and estimating change of function due to restoration actions. Because this was one of the first efforts of its kind the process was a bit confused, although in the end I believe it produced reasonable, qualitative estimates of habitat function.

17. I did not participate in the 2012 Expert Panel process but understand the process was much improved in organization and consistency in the information provided to the Panel. In my view, this is an example of the Adaptive Management process working.

18. Given my experiences described above I believe the “All-H” (hydro, hatchery, habitat and harvest) framework and the application of Adaptive Management is an appropriate approach towards salmonid recovery. From my observations, it appears to be working, especially with regards to the implementation of habitat restoration actions. This observation is based on my belief that actions need to be balanced across each of the H’s, and that the habitat actions are an important component in this equation.

19. With respect to habitat restoration and the estimation of benefits derived, it is useful to focus attention on Attachment B and Attachment G of the 2008 Columbia Basin Fish Accords with the Three Treaty Tribes. In the Upper Columbia, Attachment B started as a compilation of actions considered “reasonably certain to occur”. This Upper Columbia list was developed primarily by myself, in consultation with other local watershed experts in that area. We relied on our knowledge of the basins through previous watershed assessments and EDT results. The CRITFC and member tribes also developed these lists using the best available science, including EDT where available, in the determination of needed restoration actions. Attachment B was the foundation eventually used by the Expert Panel to provide reasonable,

albeit initial and interim projections of the habitat changes associated with these anticipated restoration actions. From these habitat changes, egg-smolt productivity is estimated using the Hillman Equation. These estimates and underlying formulae are summarized in Attachment G.

20. Once adopted, this list of actions (Attachment B) was a very useful document because it brought increased clarity and consensus about the direction of future habitat restoration. It guided the coordination of activities and increased the likelihood that the actions would truly be “reasonably certain to occur”. At least in the Upper Columbia, maintaining this list and periodically updating it is the foundation for ongoing and future restoration actions.

21. Attachment G summarizes the tribal estimates of habitat benefits from restoration actions, including the estimated egg-smolt productivity benefits. It is the consolidation, if not crystallization, of many technical considerations into a relatively simple watershed story told essentially on a single page. It is the “bottom-line” and an end product that represents a compromise between an analytical process that is so overly technical and burdensome that it cannot be completed in a timely manner versus a process that is simplified to a point that it lacks integrity throughout. Attachment G is the synthesis and interpretation of data, where available, although it is not intended to be taken as an absolute measure of existing and future egg-smolt productivity. The fundamental components of the process and the logic is sound and represents the Best Available Science. I state this without reservation due simply to the fact that nobody else has proposed and demonstrated a better, appropriate, and alternative method that resolves the key issues associated with critical uncertainties.

22. The body of work and knowledge contained in the relatively simple tables of Appendix B and G is not trivial. The tables represent not only the culmination of substantial regional participation – their development literally moved regional coordination of habitat

restoration to a new and important level. Fully recognizing there are opportunities to improve on key elements of the process and calculations, I continue to maintain that the Expert Panel process and the applications behind Appendix G represent a reasonable analytical process producing a reasonable estimation of changes in habitat function and a useful estimation of egg-smolt productivity benefits.

23. The Yakama Nation entered into the Accords with the intent that implementation of the habitat actions was key to our efforts; that we would watch over the process carefully and provide the necessary oversight to insure the process and participants collaborated in an efficient and effective manner so that on-the-ground benefits of these actions would be maximized. Our entire focus has been and continues to be that the fisheries resources, and ultimately our own tribal fishers realize these intended restoration benefits.

24. Many substantial restoration actions have occurred as a result of the BiOp and the Accords funding. Actions outlined in Appendix B of the Accords (and other BiOp-related habitat actions) were intended to be implemented aggressively, and we are getting the work done. At this time, The Yakama Nation is on track to get the actions completed within the Accords time frame.

25. My direct observations and impressions of our progress implementing these restoration activities throughout the Yakama Nation in general, and specifically in the Upper Columbia are not unique. This view is shared by other watershed specialists throughout the region. I attribute much of this success to the new “programmatic” funding model (10 year funding commitments needed to address the social and technical complexity of larger-scale riverine restoration) developed as a result of the Accords. It is the model that is required for the

scale of restoration needed to improve our salmonid stocks. It works in both efficiency and effectiveness and allows maximum opportunities for Adaptive Management to occur, as needed.

26. I reference the 2013 Comprehensive Evaluation (CE) Section 3, Attachment 2, Table 1 as evidence that a significant number of restoration projects within the Upper Columbia are being completed in a relatively short time frame. To my knowledge, most – if not all of the Upper Columbia projects, prior to implementation, are subject to peer review and comments by local watershed experts, including the Upper Columbia Salmon Recovery Board and the Bureau of Reclamation. Many of those that review these projects also sit on the Expert Panel process. Due to this substantial local and professional engagement I believe these restoration projects are addressing the primary limiting factors and habitat function, to varying degrees.

27. Habitat restoration is a fundamental component to egg-smolt productivity and species recovery. Every salmonid biologist, and even the occasional recreational fisher knows that more fish are found in diverse habitats with complex structure than in channelized streams lacking any complexity. Improvements in habitat quality and quantity increase fish productivity.

28. Changes in habitat characteristics are measureable, and there is every reason to believe that associated changes in egg-smolt productivity are also measureable, given appropriate effort and time. These efforts are being undertaken by the Intensively Monitored Watershed (IMW) projects. Ongoing efforts associated with these measurements are described in the 2013 CE, Section 2. Until the Expert Panel estimates can be substantiated and supported by additional and directed monitoring, I maintain that we still have a long way to go with habitat restoration to obtain the sustainable biological response that is needed to insure a healthy persistence of the ESA listed stocks. Additionally, there remains plenty of room for improvements towards a

focused monitoring program that effectively measures our progress with a sufficient standard of care and confidence.

29. As discussed in my past testimony (September, 2008), the Expert Panel process is a reasonable method which synthesizes a tremendous amount of information into qualitative estimates that can be summarized and scaled to various geographic scales. The Expert Panel process is yet in its formative years and through Adaptive Management will continue to evolve and improve but should remain relevant until a structured monitoring program can be implemented.

30. The process and associated calculations is a model, and like all models it has shortcomings. Having considerable input towards its development, I understand many of these shortcomings, as do many others working with the model. I do not see these issues as fatal flaws in the process, but consistent with Adaptive Management and to maintain the legitimacy and utility of the model, they should be addressed. The CRITFC and member tribes are just now initiating a process to review, improve and continue to employ this modeling process as we look towards continued selection of future restoration projects.

31. In general, the CRITFC and member tribes intend to review and improve upon the modeling process in the following areas: (1) estimation of the maximum egg-smolt productivity per Assessment Unit, (2) revisiting the relative “weights” of each of the primary limiting factors within an Assessment Unit and the weights of the Assessment Units within the species populations, (3) incorporation of the preliminary IMW results into the modeling process, (4) providing better information associated with our confidence in model inputs and outputs, and (5) development of local monitoring strategies that will lead to improved life-cycle modeling and

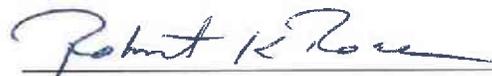
consistent with the ongoing IMW efforts but applicable in the subbasins where these efforts are lacking.

32. It is important to understand that the intensive habitat actions agreed to in the 2008 BiOp have only just been implemented. We are only 6 years into the expanded effort by the AAs to invest in habitat actions, meaning we have only seen two or three cohorts of salmon return to improved habitats. We will not have data to confirm our estimations of benefit for several years, but best professional judgment through the Expert Panel process indicates a high expectation of benefit. We intend to continue to improve the evaluation process and expand monitoring in order to confirm the estimates of benefits currently being relied on to justify these actions.

33. A recent report from the Independent Science Advisory Board of the Northwest Power and Conservation Council emphasizes the importance of habitat for productivity and life history diversity for salmon and steelhead. The ISAB found that “the capacity of some watersheds to support salmon or steelhead appears to have been exceeded at spawning abundances that are low relative to historic levels.” This would suggest that current habitat carrying capacity is not adequate to support run sizes that are naturally sustainable. Extensive and intensive habitat restoration actions are required to make the hard fought hydrosystem fixes meaningful in rebuilding sustainable adult returns. It is not enough to maintain existing abundance levels of salmon and steelhead; it is our goal (and the goal of ESA) to rebuild populations to naturally sustainable, harvestable, levels.

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 6<sup>th</sup> day of March, 2015.

  
ROBERT ROSE

**CERTIFICATE OF SERVICE**

I hereby certify that, on March 6, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties in this matter who are registered with the court's CM/ECF filing system. The following will be served manually by U.S. Mail.

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DATED this 6<sup>th</sup> day of March, 2015.

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s/ John W. Ogan

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