

4 November 2014

Mr. Michael Carrier, Supervisor  
Idaho Fish and Wildlife Office  
1387 S. Vinnell Way, Room 368  
Boise, ID 83709

Sent by email to: [michael\\_carrier@fws.gov](mailto:michael_carrier@fws.gov)

**RE: Preliminary Intertribal Comments on Revised Draft Bull Trout Recovery Plan**

Dear Mr. Carrier:

The intertribal signatories to this letter are writing to provide you with our preliminary thoughts on the U.S. Fish & Wildlife Service's Revised Draft Bull Trout Recovery Plan ("Draft Plan"). We believe the Draft Plan needs significant refinement to achieve its intended goal of providing a framework for delisting bull trout, and we look forward to working with the Service to revise the Draft Plan consistent with our suggestions below prior to the development of Recovery Unit Implementation Plans ("RUIPs").

**1. Require RUIPs to contain demographic targets, and provide guidance for developing those targets.**

The Draft Plan's abandonment of demographic targets is not consistent with the Endangered Species Act. The ESA requires that recovery plans contain, among other things, "objective, measurable criteria which, when met, would result in a determination . . . that the species be removed from the list." 16 U.S.C. § 1533(f)(1)(B)(ii). The Draft Plan acknowledges that it does not meet this requirement because meeting its threats-based targets will not necessarily result in a determination that bull trout should be delisted. "Though we have not proposed specific demographic criteria, demographic data will need to be reviewed in any future delisting analysis." Draft Plan at 50. As consideration of demographic data is a necessary component of a delisting decision, demographic targets must be incorporated into the Draft Plan.

This conclusion is bolstered by the Service's Interim Endangered and Threatened Species Recovery Planning Guidance Version 1.3, available at [https://www.fws.gov/endangered/esa-library/pdf/NMFS-FWS\\_Recovery\\_Planning\\_Guidance.pdf](https://www.fws.gov/endangered/esa-library/pdf/NMFS-FWS_Recovery_Planning_Guidance.pdf). Section 1.3.2 specifically addresses the significance of demographics in recovery planning:

Recovery plans have long focused on the demographics, habitat and other characteristics of a species' life history. These are extremely important, as knowledge of a species' biological needs and constraints is imperative to making viable conservation management decisions for a species.

Although this section goes on to stress that lasting recovery can only be achieved by alleviating threats, it specifically references demographics as a class of threats. As such, “recovery actions and monitoring schemes should specifically reduce or remove [demographic] threats identified for the species, and monitor the success in controlling them.” Given this directive, the Draft Plan’s acknowledgement that small population size is a threat in multiple core areas cannot be squared with its omission of demographic targets. At a minimum, RUIPs must set forth demographic targets and monitoring strategies where population size is a threat. Such demographic targets are likely to be arbitrary and inconsistent among core areas without meaningful guidance from the draft plan. They may also prove inadequate even when achieved if the recovery plan does not outline a monitoring strategy to ensure that bull trout populations do not decrease in current strongholds as less robust populations are recovered elsewhere.

Finally, the Draft Plan’s goal of stability is not a defensible demographic target—particularly when the plan provides little indication of how stability will be measured. Where low population is a threat, stabilizing the loss of that diminished population does not resolve the threat. Demographic stability also cannot be squared with the Draft Plan’s statement that “recovery at the recovery unit scale will require improvement in bull trout local populations relative to the time of listing and their habitats in some core areas, while other core areas will need to be ‘maintained’ into the foreseeable future.” Draft Plan at vii.

## **2. Revise proposed recovery criteria in the Mid-Columbia, Upper Snake, and Columbia Headwaters Recovery Units to be more stringent.**

The Draft Plan provides no rational basis for its proposed recovery criteria for the Mid-Columbia, Upper Snake, and Columbia Headwaters Recovery Units. The 75% threshold for number of core areas with threats effectively managed and number of local populations within effectively managed core areas is built on the Draft Plan’s repeated disclaimer that the ESA does not necessarily require bull trout to be recovered throughout its historic range or even to a majority of the currently suitable habitat. Even if this minimalistic interpretation of the ESA is assumed to be true, it does not justify foregoing recovery in 25% of core areas without a scientific justification for doing so. The Draft Plan’s failure to provide one is striking when, for example, bull trout only occupied 45% of their original range in the Columbia River Basin at the time of listing. 63 FR 31647-01, 31651.

The anticipated benefits of the proposed recovery criteria are also suspect. The Draft Plan’s statement that the Service “expect[s] that bull trout will respond accordingly” if the 75% threshold is achieved amounts to a faith-based recovery plan. It is not clear, for example, how meeting this threshold will result in demographically stable local bull trout populations when the Draft Plan acknowledges that “it may take many years (generations) for bull trout populations to respond” to the removal of a threat. Draft Plan at 13.

Given the drastically reduced range of bull trout, the Service should revise the Draft Plan’s proposed recovery criteria to a 100% threshold for number of core areas with threats effectively managed and the maximum number of local populations within the range of natural variation.

If the recovery criteria are not revised to target 100% threshold for number of core areas with threats effectively managed and in all Recovery Units, then Recovery Unit boundaries must be revised. In this scenario, finalization of Recovery Unit boundaries will need to occur on a geographic scale that is biologically appropriate, scientifically defensible and which maintains ESA-protection for all unique populations until threats are effectively managed or until demographic targets are met (refer to preliminary comment #1). The Draft Plan does not provide adequate scientific rationale for the current Recovery Unit boundaries nor does it demonstrate how the boundary delineation is consistent with DPS policy. The Service should anticipate additional tribal comments on this issue prior to the December 3 deadline.

**3. If the recommendation above is not fully incorporated into a revised Draft Plan, modify the proposed recovery criteria to account for the importance of complex core areas.**

Although the Draft Plan repeatedly emphasizes the significance of complex core areas in contributing to the viability of a recovery unit, the proposed recovery criteria do not distinguish between simple and complex core areas. Omitting this distinction from the recovery criteria has the potential to cause problems. For instance, the Draft Plan targets 27 of 35 core areas in the Columbia Headwaters Recovery Unit for effective threats management. 20 of these core areas are classified as simple, and most are found in protected areas such as Glacier National Park and federally designated wilderness areas. Assuming that threats are already effectively managed in the bulk of these simple core areas, the Recovery Unit could be eligible for delisting by effectively managing threats in less than half of the 15 complex core areas (provided that the requisite number of additional local populations—101—were cumulatively found in those complex core areas). This type of scenario would be avoided by incorporating the recommendation above to require threats to be effectively managed in all core areas. If that recommendation is not followed, separate recovery criteria should be established for simple and complex core areas consistent with the importance of both to the overall recovery effort.

**4. Revise the Threats Assessment Decision Matrix to offer more protection for complex core areas and ensure access to critical habitat.**

Like the proposed recovery criteria, the Threats Assessment Decision Matrix does not reflect the significance of complex core areas. There is an inherent bias in the Matrix favoring simple core areas because threats are evaluated in part on the percentage of affected local populations. A threat in a simple core area always affects 100% of local populations, so it can never be dismissed as minor because it affects only some percentage of that population. By contrast, a threat could harm 3 of 12 local populations in a complex core area and still be considered minor. It makes no sense to prioritize a threat to a single, isolated local population over a threat that is harming 3 local populations that contribute to the viability and resiliency of adjacent populations. The same problem exists on the severe side of the spectrum. Labeling a threat as something less than severe because it affects only 90% of local populations in a core area is not defensible. The point is not that simple core areas are unimportant, but that threats should not be diluted due to the geographic size or complexity of a core area. This observation also extends to management effectiveness determinations. The Matrix should be revised to ensure that threats are identified and managed to retain and expand complexity.

The Matrix should also be revised to ensure that it does not undercut the Service's 2010 critical habitat designation. Any impediment that prevents bull trout from accessing designated critical habitat, particularly where bull trout have been extirpated, must be identified as a significant threat and removed.

**5. Develop more specific criteria for the Service's assessment of whether threats are being effectively managed.**

The Threats Assessment Decision Matrix has 16 potential outcomes. In a prior version of this Matrix, management was only considered to be unsuccessful in 3 of these 16 scenarios. The published Draft Plan has omitted this information and replaced it with a vague description of how management effectiveness will be assessed. Again, this approach falls short of the objective and measureable criteria that the ESA requires of recovery plans. The Draft Plan should be revised to include this information, especially with respect to how cumulative threats will be assessed by the Service if they are not required to be assessed in RUIPs.

**6. Replace the term "primary threat" with "threat."**

The term "primary threat" is confusing and may lead to the exclusion of threats from the Matrix without full consideration. Using the term "threat" instead will help alleviate this problem.

Thank you in advance for your consideration of our suggestions. Please let us know as soon as possible when you are available to meet and discuss them.

Regards,

Burns Paiute Tribe  
Coeur d'Alene Tribe  
Confederated Salish and Kootenai Tribes  
Kalispel Tribe of Indians  
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Cc: Robyn Thorson, Regional Director  
Thomas L. McDowell, Acting Project Leader, Washington USFWS  
Paul Henson, State Supervisor, Oregon USFWS  
Steve Duke, USFWS



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Jason Kesling  
Director, Burns Paiute Tribe Natural Resources Department

10/31/14

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Date



Alfred M. Nomee  
Natural Resources Director, Coeur d'Alene Tribe

10-31-14  
Date



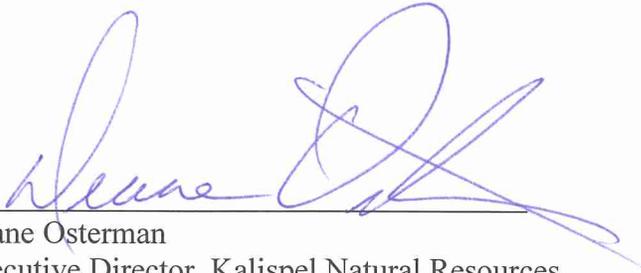
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Rich Janssen  
Department Head, Natural Resources  
Confederated Salish and Kootenai Tribes

*November 3, 2014*

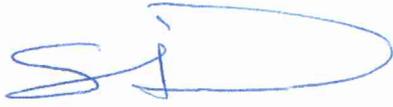
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Date



Deane Osterman  
Executive Director, Kalispel Natural Resources

11/3/14  
Date



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Jinwon Seo  
Director, Fish, Wildlife, & Parks Department  
Shoshone-Paiute Tribes

November 3, 2014

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Date