



American Fisheries Society

Western Division

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April 24, 2014

David J. Ponganis
Director of Programs Northwestern Division
Army Corps of Engineers
PO Box 2870
Portland, OR 98208-2870

Mike Ryan, Regional Director
Great Plains Regional Office
U.S. Bureau of Reclamation
PO Box 36900
Billings, MT 59107-6900

Re: Effects of Intake Dam project on recovery of endangered pallid sturgeon

Dear Mr. Ponganis and Mr. Ryan:

The Western Division of the American Fisheries Society (WDAFS)¹ represents scientists and natural resource managers from the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; U.S. associated entities in the West Pacific Ocean; the Province of British Columbia and the Yukon Territory in Canada; and Mexico. Our mission is to advance sound science, promote professional development and disseminate science-based fisheries information for the global protection, conservation and sustainability of fisheries resources and aquatic ecosystems. Our members, some 3,000 strong, represent a tremendous array of fisheries experts involved in all aspects of the fisheries profession and employed in academia, government agencies, non-governmental organizations, and private consulting.

¹ More information on the Western Division of the American Fisheries Society is available at:
<http://wdafs.org/about-us/>.

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We write to provide our comments on the process and planning for the Intake Dam on the Yellowstone River (Montana) relative to the project's potential effects on and conflicts with recovery planning for the endangered pallid sturgeon, as well as other native fish species in the Missouri River basin. Our comments support and supplement those submitted by our Montana Chapter, which are attached to this letter.

We have serious concerns with the Intake Dam project itself, but we also believe that the issues we have identified represent larger and more systemic problems with Endangered Species Act recovery planning. The approach, design and funding structure of this project, if applied to other U.S. Army Corp of Engineers and Bureau of Reclamation projects, could very well have negative ramifications to development and implementation of species protection and recovery plan efforts throughout the Western United States, regardless of the species of concern.

Recovery Plan projects should be based on the best available science.

The Intake Dam project, both its specific elements and its relationship to changes in the pallid sturgeon recovery plan are not based on best available science. Conservation and recovery of the pallid sturgeon will require providing access to the species' historic and suitable habitat range, and reducing threats to the species within that range. Thus, removal of the Upper Missouri River, which currently supports small populations of the species, from recovery targets is contrary to the recovery plan's own goals to conserve the pallid sturgeon across its historic range and improve population size and viability. This action is particularly problematic when the success of the alternative recovery site, the Yellowstone River and the Intake Dam project, is unknown and dependent on yet incomplete and unfunded projects (e.g., fish passage structures, see our comment below).

It is inappropriate to use Recovery Funds to build a dam that does not include fish passage.

Using Missouri River recovery plan funding to build the Intake dam and headgate structure before establishing definite plans for fish passage does not promote any of the pallid sturgeon recovery tasks. Limiting the U.S. Army Corps of Engineers' responsibility to a one-year warranty on the engineering success of the by-pass channel, rather than the biological efficacy of the structure, is a further misuse of recovery planning resources. Finally, delaying construction of fish passage facilities on a dam paid for using recovery funds because of a lack of funding is not justified.

Recovery Plan projects should provide biological benefits and be evaluated using biological criteria.

Projects developed and funded by recovery planning resources should be designed to provide species and habitat benefits, and their success should be measured using biological criteria, not engineering criteria. As currently described and planned, the Intake Dam project does not meet these objectives. Instead, the project is (apparently) being used to justify removal of other river habitat from recovery planning; it does not include funding or design for the most basic

requirements for fish passage, thus reducing habitat connectivity in an identified recovery area; it does not include funding or plans for post-project monitoring; and it restricts evaluation of the project to engineering criteria rather than biological response or contribution to species' recovery.

Based on our review, the Intake Dam project does not meet the intent of the 2013 Recovery Plan. We recommend that it be revised to address the key problems we have described above, as well as those identified by our colleague fishery professionals in the Montana Chapter of the American Fisheries Society. We also encourage you to consider our comments in the broader context of Endangered Species Act recovery planning.

We appreciate the opportunity to provide our review and these comments. Please contact me with any questions; we can provide additional information if so desired.

Sincerely,

Pamela Sponholtz

Pamela Sponholtz
President

cc: Members, WDAFS Executive Committee, AFS Governing Board
Jeff Hagener, Director of Montana Fish, Wildlife and Parks
Noreen Walsh, Director Region 6 USFWS
Larry Gamble, Acting ARD, Region 6 Fish and Aquatic Conservation USFWS
George Jordan, Project Leader, Northern Rockies FWCO, USFWS