

**Trout Unlimited (TU) Assessment of the Draft Deschutes Basin  
Habitat Conservation Plan (DBHCP)  
-Overview-**

*What is the Deschutes Basin Habitat Conservation Plan and why is it needed?*

The upper and middle Deschutes watershed historically supported large populations of anadromous summer steelhead, spring chinook, and resident populations of rainbow trout and bull trout. However, significant habitat modification from many factors including the construction of dams and irrigation practices fragmented and/or significantly reduced suitable habitat for these species leading, in several cases, to their listing under the Endangered Species Act (ESA). Irrigation activities were identified as a primary cause for the imperiled status of an additional species, the Oregon spotted frog (OSF). Currently, summer steelhead, bull trout, and the OSF are listed as endangered species.

In order for irrigation districts to legally continue their consumption of Deschutes River and its tributary waters, they must comply with the ESA by mitigating the harmful effects of irrigation practices and associated irrigation dams and infrastructure on the habitat and survival of fish species and OSF. Some of these detrimental effects have been described by the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and identified in the DBHCP.

The draft Deschutes Basin Habitat Conservation Plan (DBHCP) was prepared by the eight irrigation districts that comprise the Deschutes Basin Board of Control (Arnold, Central Oregon, Lone Pine, North Unit, Ochoco, Swalley, Three Sisters, and Tumalo) and the City of Prineville to support the issuance of incidental take permits (ITPs) that would allow for the continued withdrawal of river water. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) issue ITPs under the Endangered Species Act (ESA). The two services have prepared a draft Environmental Impact Statement (EIS) to support issuance of the ITP. In accordance with the National Environmental Policy Act, the U.S. Fish and Wildlife Service (FWS) announced the availability of the draft HCP and EIS on October 4, 2019. Comments from the public were due on December 3, 2019.

Trout Unlimited (TU) has reviewed the draft DBHCP and the accompanying draft EIS, and provided detailed comments to the U.S. Fish and Wildlife Service.

### *Trout Unlimited's Vision for an effective DBHCP*

TU believes that the DBHCP should present a conservation vision with a comprehensive approach that "is founded on the biological needs of species, [is] a structured and logical approach to problem solving, [is] forward thinking to anticipate future changes, and it must be developed to fit into the larger conservation context occurring around the HCP." (quotes from the *Habitat Conservation Planning and Incidental Take Permit Processing Handbook*, U.S. Fish & Wildlife Service, p.9-5)

### *Trout Unlimited's Brief Overall Assessment of the DBHCP*

The DBHCP as proposed falls short of a comprehensive approach. Instead, the DBHCP offers a skewed framework that errs heavily on the side of meeting existing irrigation demand over a 30-year timeframe while providing little assurance that its conservation measures will effectively maintain or improve habitat conditions for covered species. As a result, the DBHCP fails to meet the requirements of the Endangered Species Act (ESA).

Expanded comments and full details are found in TU's "Deschutes River Basin Habitat Conservation Plan and Draft Environmental Impact Statement Comments", submitted to USFWS on 12/3/2019. These full comments are located [here](#).

### *Summary of TU's Comments on the DBHCP*

The draft Deschutes Basin Habitat Conservation Plan (DBHCP) and associated draft Environmental Impact Statement (EIS) do not meet the legal requirements of the National Environmental Policy Act (NEPA) nor the Endangered Species Act (ESA). They do not provide detailed objectives for the covered endangered species (steelhead, bull trout, Oregon spotted frog). For fish species, biological and habitat objectives related to improving water quality, spawning and rearing habitat and life history diversity to increase survival and reproductive rates are needed. For the OSF, objectives aimed at providing more even and natural flow patterns by increasing flow rates in winter and mimicking more natural summer and spring conditions are needed. The documents also fail to adequately analyze all significant impacts to the covered species (e.g., water quality, return flows, alteration of habitat), consider all reasonable mitigation measures and identify a reasonable range of alternatives. Regarding assumptions built into the DBHCP, computer modeling used to make predictions about future habitat conditions was evaluated as flawed and assessed to overstate winter releases and thereby exaggerate the economic impacts of described by the irrigation districts.

Many of the conservation measures do not include sufficient metrics, timelines and effectiveness monitoring to ensure they will actually mitigate impacts to covered species. The DBHCP would benefit from an independent oversight committee/entity to evaluate program compliance and effectiveness at achieving biological goals and objectives and the requirements of ESA. Many of the most concerning impacts to fish species are proposed to be mitigated through the use of a yet to be defined "Conservation Fund". However, the Fund lacks sufficient guidelines, metrics, funding levels and oversight to provide needed confidence that it will sufficiently mitigate impacts.

The adaptive management regime that is considered by the DBHCP seems mostly geared at increasing flexibility for the irrigation districts as opposed to ensuring better protection of the covered species. The DBHCP must include comprehensive effectiveness monitoring, reporting and adaptive management guided by biological goals and objectives and other metrics to provide necessary assurance that the proposed conservation measures are sufficient to minimize and mitigate project effects to the maximum extent practicable over time period of the proposed plan in the DBHCP. The DBHCP proposed a term of action of 30 years. A final determination on the duration should be informed by a risk and certainty analysis. The long permit timeframe itself presents significant risk to the continued health and persistence of the Covered Species.

Perhaps the most fundamental flaw is that the DBHCP does not support its conclusion that impacts to covered species will be minimized and mitigated to the maximum extent practicable by the conservation measures. The conservation measures for fish species and OSF seem to be based mostly on what the Districts are willing to do as opposed to the biological needs of the species.

Given the severely altered habitat conditions and hydrology of the Deschutes Basin that exist today, the current endangered status of the covered species, and the projected changes that threaten the future resilience of the species (climate change and increased draught conditions), it is difficult to support the proposed recommendations of the DBHCP as they essentially maintain the habitat status quo over the next several decades. As written, the plan will neither appreciably increase the likelihood of recovery of these species, nor is it compliant with ESA's overall goal of conservation.

TU encourages the irrigation districts, U.S. Fish and Wildlife Service, and National Marine Fisheries Service to consider our comments and articulate an alternative that (1) increases the pace and scale of winter releases from Wickiup Dam to better protect OSF, (2) includes additional protections for covered fish species especially in summer and dry years, (3) articulates biological goals and objectives

for all covered species, (4) includes a robust monitoring and adaptive management regime and (5) properly accounts for impacts to water quality.