

W. Bill Booth
Chair
Idaho

James A. Yost
Idaho

Tom Karier
Washington

Dick Wallace
Washington



Bruce A. Measure
Vice-Chair
Montana

Rhonda Whiting
Montana

Melinda S. Eden
Oregon

Joan M. Dukes
Oregon

Northwest Power and Conservation Council Conference Call
Friday, August 1, 2008
9 a.m. Pacific Time

Council Work Session on Columbia River Basin
Fish and Wildlife Program Amendments

Council Chairman Bill Booth called the meeting to order at 9:05 a.m. He and council members Melinda Eden, Tom Karier, Bruce Measure, Rhonda Whiting, and Jim Yost participated by a "GoToMeeting" teleconference connection; Joan Dukes was present at the Council headquarters. Dick Wallace was absent.

Booth explained that the goal of the work session was to go through preliminary drafts of the mainstem and implementation sections of the Council's fish and wildlife program and make decisions about what provisions should be included in the draft for discussion at the Council's August meeting in Spokane. We have a lot of recommendations to consider, he said.

Oregon has submitted substantive recommendations to the mainstem section, Washington has submitted some recommendations, and there are a few from Idaho, Booth continued. I propose to move to a vote on portions of the Oregon submission first thing, he said. Oregon has submitted substantive revisions to the spill and water management sections of the preliminary draft, and I would like Oregon to present its revisions and then the Council will take a vote on whether to accept them, Booth said. He reiterated that the Council would vote on everything in the Oregon submission related to spill and water management. Oregon's submissions on new technologies and lamprey will be part of the discussion later in the meeting, Booth clarified.

Karier commented that the Oregon recommendations are detailed modifications to spill and water management provisions in the NMFS Biological Opinion (BiOp).

These are the spill levels Oregon was trying hard to have included in the BiOp, Eden responded. We consider them "BiOp plus," and we are asking the Council to consider additional spill, she said. Oregon thinks spill is the safest passage route and wants to deviate from the BiOp in this part of the Council's program, Eden stated. She noted that staffer John Fazio had calculated the difference in cost between the operations in the staff draft of the program and the changes proposed by Oregon.

In most cases, the Oregon proposal reflects the court-ordered spill, Dukes said. Oregon believes spill is vital to get smolts to the ocean, and that's what we propose, she added.

Measure asked about economic impacts of the proposal, and Eden said they were reported in an email that was sent separately from Oregon's recommendations. It's a \$17 million difference, she stated.

The BiOp went through a couple of years of process and resulted in a product that has wide support, Karier stated. These recommendations are very specific and would need to be studied; it strikes me that this has all been reviewed, he said.

There is biology behind this proposal to demonstrate spill improves smolt survival, Dukes responded. The guts of the proposal are spill and flow targets, she said, reading a paragraph that explained the intent of the Oregon recommendations.

Whiting questioned an assertion that the spill levels had support from tribal and state fish managers. The states and tribal folks were not in agreement on these recommendations, she said. To accept these, we would be putting in one state's recommendations and ignoring a process that took place over months, Whiting stated, adding that she did not feel the recommendations should be included in the program.

Eden continued to explain Oregon's water management recommendations. She said Oregon's water management proposal takes out anything in the fish and wildlife program that deviates from the 2000 BiOp. We are looking for more water in the lower river late in the season, Eden explained, adding that the Oregon changes eliminate the operations at Libby and Hungry Horse. We'd also like Council support for a firm call for BPA to go after non-treaty water from Canada, she said. All of the deletions in this section are part of the search for water to meet weekly flow targets, Eden stated.

Why not simply call for BPA to pursue non-treaty water? Measure asked. Why disrupt other operations that will be implemented? Why not focus on access to non-treaty water rather than subordinate other operations? he asked.

We have not been successful in getting the other states to join in vigorous pursuit of the water, Eden replied. Our fear is the consideration here is money, she stated. In the absence of a joint call for non-treaty water, this is the next best thing as far as Oregon is concerned, Eden said.

Over the last three years, the Montana operations have been attacked, but I've never been asked to join in a call for non-treaty water as a way to get them implemented, Measure said. I have not heard this discussed, even in Governors' meetings, he said. No one has made an attempt to move this forward, Measure stated.

Eden said she understood there was discussion in the policy work group about making a joint push for non-treaty water. She went on to explain Oregon recommendations regarding tailrace elevations to protect chum spawning. We also want the federal operators to work with fish managers to consider minimum operating pool at some projects and minimum irrigation pool at John Day, Eden said.

Booth proposed the Council take a vote on the Oregon recommendations. He framed the question as: should Oregon's recommendations beginning on page 28 be included in the draft fish and wildlife program? A yes vote is to include Oregon's spill and water management recommendations; the new technologies and lamprey provisions are not part of this vote, he explained. Booth took a roll call vote, with the following results: Dukes, yes; Eden, yes; Yost, no; Karier, no; Measure, no; Whiting, no; and Booth, no.

The question fails, Booth stated. We'll now move back to the beginning of the document and begin on page one with staff presenting the recommendations.

Eden pointed out that her review of the draft document did not include specific punctuation and grammatical changes. I presume that will be done at a later time, she said. Booth agreed that it would.

Staffer Patty O'Toole said staff would go through the preliminary draft section by section, and Lynn Palensky would display material on the screen for members to view via the GoToMeeting connection.

Staffer John Shurts explained that the mainstem amendments have a particular construct in the fish and wildlife program document and that staff stayed with the construct. He noted that staff was responsible for every change displayed in the draft.

Shurts noted the document began with a vision statement and biological objectives, followed by a set of actions/operations. These are followed by considerations and strategies to benefit species that are not part of the BiOp, he said. The staff edits are largely deletions that bring the program up to date; they reflect the many things that have happened since the program was last revised, Shurts said. Where things have been resolved, there is surplus language that we deleted, he explained. There are also new considerations included, like water quality and changes at the Mid-Columbia projects, Shurts said.

He reviewed proposed changes in the introduction, and in the vision section, Council members discussed an Oregon proposal to replace the word "will" with "should" in a statement regarding the relationship between the fish and wildlife program and the Clean Water Act (CWA). With regard to biological objectives, Shurts pointed out that staff deleted reference to a specific number (9,000 acres) of additional acres of spawning habitat, and Council members agreed to have staff lead a discussion in Spokane on an objective of 2-6 percent for smolt-to-adult returns (SARs).

Booth directed staff to work with Montana and Oregon Council members prior to the Spokane meeting on language proposed by Oregon related to changes to Montana reservoir operations and to resident fish. The members also discussed an Oregon proposal on CWA language. Eden said language in the program should be stronger since the feds are not meeting the CWA standards.

I have a problem with being too specific on the CWA since the states give waivers for dissolved gas and temperature, Yost responded. Others pointed out that there is already a reference in the section to meeting the CWA. Booth directed staff to work with Oregon on the language and address the redundancy.

Dukes explained an Oregon recommendation to apply on an interim basis the BiOp performance standards for dam passage to non-listed salmon and steelhead. We are adding non-listed species to the performance standard requirement proposed for listed species, she said of the new language.

Karier said he didn't know if such standards were appropriate. Booth raised a question about the practical implication of adding the language. Would we need more data to do an analysis? Booth asked. Ruff said the proposal could require tagging additional fish.

Our program is not just for ESA-listed fish, and we have a responsibility to see that non-listed species are doing well, too, Eden said. The members agreed to include the Oregon language in the draft.

There was also discussion of Oregon recommendations for resident fish and wildlife provisions under mainstem passage conditions. Booth directed staff to work out a solution for language related to bull trout productivity.

In the strategies section, recommendations from Washington and Oregon were added to the draft language. Dukes said Oregon's recommendations emphasize protection of productive habitats in line with the salmon stronghold concept. Oregon also supported restoring language deleted in the staff draft that describes tests the federal agencies conduct to analyze the effectiveness of various hydro system operations.

Ruff explained a new section on water quality that members agreed should be added to the draft. He said the water quality provisions were taken from the 2008 BiOp and call for the federal agencies to continue to update their water quality plan.

Measure suggested revising language in the juvenile and adult passage section that refers to "Value Engineering." The language should be directed at getting results, he said. Staff was directed to work on new wording.

There were a number of recommendations in the juvenile fish transportation section, including an Oregon proposal related to a spread-the-risk strategy. When questions arose about the Oregon changes, Booth directed staff to undertake a rewrite that makes clear that research should drive decisions on transportation and in-river migration. The Council members agreed to include a Washington recommendation that the program support U.S. v. Oregon priorities for production of fish for research studies.

Members approved addition of a Washington recommendation related to spill deflectors. Ruff explained a couple of staff additions on adult passage and noted that a new section on lamprey passage was also added to the draft.

Oregon members explained their proposal to add a section on new passage technologies. We're talking about testing new technologies, like the removable spillway weirs, against full spill, Dukes indicated. Eden said Oregon wants standards for surface bypass that compare the performance of the technologies to court-ordered spill.

Booth and Yost had several questions about the provision, and both said they could not support it. We don't think these technologies have been tested against full spill, Eden responded. Karier said he wasn't clear about the details of the recommendation. I don't know if full spill is the standard for comparison, Measure commented.

I don't hear support for this, Booth concluded. I have a problem with mandating the standard for the surface bypass tests, Yost agreed.

Should we include Oregon's recommendations on new passage technologies in the draft? Booth asked. He called for a roll call vote, the results of which were: Dukes, yes; Eden, yes; Yost, no; Karier, no; Measure, no; and Booth, no. Whiting was no longer on the teleconference.

Booth pointed out at noon that the meeting was scheduled to end, but members had not finished going through the draft. I think we need another conference call, he stated.

Staffer Tony Grover pointed out that staff had planned to have a complete program draft by August 5. But Council members said they were not ready to go to a final draft and wanted to complete their review of the staff's draft and the states' recommendations for mainstem and program implementation provisions in the program.

Grover agreed staff could incorporate all of the recommendations on implementation and come up with a single melded section prior to the next call. He also said staff would incorporate the changes made so far to the mainstem section and make them available as soon as possible. After some discussion, the Council decided to have another teleconference meeting Friday, August 8 at 8 a.m.

The meeting adjourned at 12:20 p.m.

Approved September 17, 2008

/s/ Bruce Measure
Vice-Chair