

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

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**Northwest Power and Conservation Council Conference Call
Friday, August 8, 2008
8 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 8:08 a.m. He and Council members Melinda Eden, Tom Karier, Bruce Measure, Dick Wallace, Rhonda Whiting, and Jim Yost participated by a "GoToMeeting" teleconference connection; Joan Dukes was present at the Council headquarters.

Booth explained that the agenda for the meeting was to continue to go through the staff draft of the mainstem and implementation sections of the fish and wildlife program. That will give us a full draft – that we will have gone through once – for our Spokane meeting next week, he said.

Mainstem Amendments

Staffer John Shurts said the Council had completed about two-thirds of the mainstem draft in the last conference call and that staff had captured the changes, completed its assignments to revise language, and distributed a new version of the document. He said he did not intend to go through every change, but would review places where there were significant changes or additions of language.

Wallace called attention to a footnote on page 14* and asked staff to correct language relating to the need for a waiver in Washington for dissolved gas and to add language indicating Washington and Oregon are reconsidering the 115 percent level at the forebay for dissolved gas. Shurts said staff would follow up with Wallace to get the footnote correct.

Measure questioned whether a reference to "enhancing" in-river migration in the first paragraph of page 14 might appear to bias the document away from transportation. Shurts responded that

* Page numbers in these minutes refer to the redline version of the document staff displayed on the "GoToMeeting" screen during the meeting.

the document refers elsewhere to both inriver migration and juvenile transportation, and he did not think the statement implied a bias.

Shurts pointed out new language related to toxics in the water quality section on page 24. Wallace suggested wording additions, and Eden questioned whether the language was strong enough in providing a “nexus” between toxics and the hydro system.

Booth said there was considerable discussion in Kalispell about the need to explain the nexus between the two and agreed the statement should be stronger. Karier suggested the nexus statement be broader and clarify that the impact from toxics was not caused by the hydro system. Eden disagreed, saying she did not think the Council could say with certainty that the hydro system had not caused the toxics problem in some areas. Karier asked that the language recognize the non-federal responsibility for toxics.

Booth suggested the Council avoid a long list of specifics. Shurts said he would try adding a single sentence, which he thought would resolve the wording dilemma. Yost said he thought the provision needed to be clear that any reference to “reducing” toxics was contingent on finding a problem.

A couple of wording changes were suggested for the surface passage section on page 30. Shurts pointed out that staff had added a USGS recommendation on sturgeon passage studies that was inadvertently left out in the earlier version. Under juvenile bypass systems on page 31, Eden suggested deleting “and/or” in two sentences, and the Council agreed to go with “or” in those instances.

Moving to the water management section, Shurts explained that most changes were language that was struck out because events over the past few years have made it superfluous. With regard to spring reservoir and flow operations, Measure said the reference to June 30 refill should be dropped. It could mean more water in the system if we don’t lock in that date, he indicated. Measure said staff could talk to Brian Marotz about appropriate language for the change.

Staffer Patty O’Toole noted that staff proposed to drop a graph related to VAR Q flood control at Libby Dam and a figure on page 40 that connects elevations to water retention time. Karier expressed concern about deleting references to water retention time. Staff said a reference to water retention time appears later in the section.

With regard to Hungry Horse and Libby operations on page 41, Measure asked that the phrase “As an experiment” be dropped from the introductory paragraph that describes implementation and evaluation of summer operations at both projects. Shurts noted the program now makes reference to Washington’s *Columbia River Basin Water Management Program* on page 43.

Shurts moved ahead to language related to climate change on page 44. There was considerable discussion about the section. Dukes asked for an explanation of the language related to the estuary and plume and suggested the list of potential mitigation measures might be more than was needed.

Eden suggested deleting a sentence in which the Council acknowledges global climate change is not caused by the hydro system. Measure said he agreed with deleting the statement. Yost said

he did not think river operations cause climate change. He went on to refer to information in the section that seemed to be developing scenarios for action based on situations that are still hypothetical. I don't want to include actions for things that may not occur, Yost said. He said he did not object to language about water quality, but did not think it should be in the context of climate change. Booth suggested a much more abbreviated section.

Wallace said he disagreed with Yost about the impacts of climate change but would like to see language that links the evaluation of actions with the outcome of studies. He also said he would like to see a reference to "cold water refugia" remain in the program.

Booth directed staff to revise the language based on the discussion, specifically to add language that predicates action on the results of studies. There was also a suggestion that "and the Council" be struck from the introductory sentence so only the federal action agencies are referred to in terms of who should undertake the climate change actions.

Moving on to language regarding the Fish Passage Center (FPC), Measure commented that changes incorporated in the section are good suggestions. Wallace explained language he proposed on page 50 related to who would supervise the FPC manager and conduct an annual performance review. Dukes said the review is a personnel matter, and the FPC Oversight Board should not be present when it is conducted. A wording change was made to add clarity.

Measure said as chair of the Oversight Board he would feel conflicted in offering a controversial amendment to remove the specific "nominating language" for the FPC. He suggested the Council consider whether it is a mistake to nominate a particular entity in the program language, and he said Northwest RiverPartners recommended taking it out.

Yost said he was not happy with the way the FPC interprets data, adds commentary, and uses the media. I'm concerned about their motives in the way they interpret data, he said. Yost also said he thought language in the program pertaining to the FPC was too lengthy.

Wallace said he was frustrated with recent FPC work, but felt it would be opening old wounds to take them out of the program. It would be appropriate to add language directing the FPC to stick to the technical arena and stay out of policy, he said.

Measure commented that removing some of the language about the FPC might help alleviate some controversy. While it might be painful now, it might also be valuable in the long term to remove their nomination from the program, he said.

Eden went over the background of how the FPC came to be part of the program. She suggested the difficulties some people have with the FPC is the evaluation of the supervisor, and she said it is not inappropriate to take up issues such as use and misuse of information. Eden also reminded the Council of the deference it owes to the fish managers, and she said the Council can't tell anyone they can't use the media. She said she would oppose any attempt to act on the RiverPartners recommendation.

Karier said the extent of the language on the FPC reflects an attempt to solve a problem. The language on accountability is an improvement, he said. Karier recommended the language make clear the FPC is a project under the program, and should be evaluated like any other project.

Staffer Tony Grover located and read language pertaining to science versus policy, the addition of which would address Wallace's suggestion to distinguish the FPC as a technical versus policy organization.

Booth said the FPC has strayed over the line of science review into advocacy, and that is a problem. We may want to retain the flexibility in the program to go with another entity if we want to, he said. But Booth noted the RiverPartners recommendation did not seem to have adequate support to be adopted.

The discussion moved to a section on predator control. Shurts explained the section covers piscivorous, avian, and marine mammal predators and invasive and non-native species. Yost suggested adding language that the Council supports lethal means to control predators if necessary. Karier suggested taking such language from letters the Council has previously written on "lethal take" of sea lions. He also noted that a recent ISAB report on the topic might be helpful in shaping the section on invasive and non-native species.

With regard to the monitoring and evaluation section, Yost suggested the draft might not make adequate mention of adult returns. He asked staff to consider where language on adult returns could be added.

Shurts pointed out new language on operations at the Mid-Columbia and Hells Canyon hydroelectric projects. The old program refers to processes that were going on relative to these dams, but now there are new agreements; here, we call on the action agencies to work with others to implement them, he said. Karier asked staff to double-check language related to Grant County PUD's relicensing effort to be sure it is up to date.

Council members raised questions about whether the section on annual and in-season decisionmaking is consistent with the Biological Opinion. Staff and Council members commented that there is not yet agreement about the future structure and roles in the federal agencies' Regional Forum process. Shurts said staff would review the section to confirm its accuracy. Yost suggested taking out "consensus-based" to describe decisionmaking in the Forum since that is not always the case.

There were also a few language changes suggested for provisions on reintroducing anadromous fish in the blocked areas. Yost questioned why specific projects were listed and suggested a briefer statement of support for investigations of reintroducing fish into the blocked areas. Karier asked whether the investigations listed relate in all cases to federal projects, and he asked about the connection between the projects and federal responsibility. He suggested adding language that would clarify the responsibility.

Implementation Provisions

O'Toole said there had been a brief discussion on implementation at the July Council meeting and almost all members had subsequently offered comments. Dukes said she preferred the introductory language in the old program, but hearing no other such comments, Booth said there didn't seem to be support for making a change.

The Council had considerable discussion about language that explains how actions become measures in the program and under what conditions the measures are implemented. Wallace suggested the language needed to be clearer on how material would be shaped into measures. Eden suggested stating that the actions and measures will be implemented as projects. Shurts said staff would smooth out the confusion in the language about actions, measures, and projects.

There was also discussion about the implementation plan and whether the plan is the outcome of the Council's project review process. Shurts said the Council might want to shape an implementation plan before getting into project review. And he noted that some projects may already be under way before the project review process begins.

Eden recommended deleting language about the way the Council conducts the project review process. We don't want to limit our flexibility to do the review in whatever way we decide, she said, and suggested eliminating references to categorical and geographic reviews.

With regard to project funding priorities, Yost said the Council's responsibility is to prioritize projects and balance its fish and wildlife program with the power system. We need to give serious thought to that in the language in this section, he said.

Staff offered several options with regard to allocating funds within the program: maintain the 70-15-15 split; maintain the split and add provisions from Montana; modify the percentages to 75-15-10; or drop the percentage designations entirely.

Whiting explained Montana's allocation proposals and indicated Montana did not want to eliminate the percentages. Karier said he had not heard a compelling reason to change the percentage figures. Eden said she supported dropping the percentages. She also noted that with the Biological Opinion and Memorandums of Agreement, there will be higher budgets for fish and wildlife.

Wallace suggested retaining the 70-15-15, but revising language in the section to indicate the Council will continue to evaluate the distribution of funding to provide fair and equitable treatment across the program areas. Booth concluded that most people wanted to retain the current percentages until there is more information on which to base a change. He asked staff to look at a way to merge language in options 1 and 3. Dukes suggested eliminating language in option 3 about the Council's funding allocations in the past being disproportionate.

Moving on to a section on dedicated funds, Eden suggested the reference to conservation easements under the Riparian Conservation Easement Program be set out from other parts of the section since it was a pilot effort.

The Council discussed whether to include language on salmon strongholds in the implementation or habitat section of the program. Grover said if the Council decided to retain the proposed salmon stronghold fund, the provisions could stay in implementation; otherwise, they could go into habitat. Eden said she did not support including the salmon stronghold language in a program that was already dedicated to protecting fish and wildlife. She, Yost, Karier, and Wallace said reference to the fund should be eliminated from the draft.

Booth said the few remaining sections of the implementation section, including the provisions on independent science panels, would be addressed in Spokane.

The meeting adjourned at 11:35 a.m.

Approved September 17, 2008

/s/ Bruce Measure
Vice-Chair

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