

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 Meeting
Thursday, August 28, 2008
9 a.m. Pacific Time

Council Meeting by Conference Call

Minutes

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

Booth explained that the agenda for the meeting was to do one last pass through the draft 2008 fish and wildlife program before issuing it for public comment. We will edit the document for clarity, but we have made decisions on most of the main policy issues, he said. Booth added that he did not think it would be helpful to go back through those decisions. Let's move on and get the draft out, he said, noting that the document would be draft and Council members "will have another cut at it."

Discussion of the Columbia River Basin Fish and Wildlife Program Amendments
Council and Staff

The Council started its review at the beginning of the document. ♦ There were no comments on the introduction. Eden suggested wording changes to make more concise statements on page 7 and on page 12, where she asked that "much has been accomplished" be dropped from the introductory sentence. She also said that a statement on page 12, stating that "Most areas of the program are covered by multi-year implementation plans," is debatable. The Council agreed to change the word "Most" to "Many."

Wallace pointed out a change he requested to page 10. We need to be clear about the interaction between science and policy, he said in explaining the added sentence.

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

On pages 16 and 26, Yost suggested adding the word “federal” to statements referring to the impacts caused by hydroelectric facilities. Staffer John Shurts said the language in 4(h)(10)(c) of the Northwest Power Act refers not just to federal hydroelectric facilities, but to all.

There was discussion of a statement on page 17 referring to the hydro system and its role in global climate change. Yost suggested dropping the term “directly” from the sentence, “The Council acknowledges that global climate change is not directly caused by the Federal Columbia River Power System,” but Eden said she understood the Council members agreed to add “directly” to the sentence, since there is a slight possibility the hydro system may affect climate change.

Dukes suggested changes to a statement on page 26 about biological objectives. She recommended giving the process for determining quantitative objectives a two-year timeline and removing language that indicates there would be a two-step process to make the determination. Wallace said he favored leaving the statement as it was and said a reference to “assessing the value [of biological objectives] for the program” is important to retain. The logic of a two-step process makes sense to me, he stated. The Council agreed to add the two-year deadline to the statement but not to otherwise rephrase it.

Staffer Patty O’Toole explained word changes that were made on page 27 and said a sentence that appeared later in the document (page 65) belonged on page 27. The Council agreed.

The Council discussed how to organize the section on habitat strategies and decided to include subsections entitled “Build from Strength” and “Stronghold.” Wallace pointed out that in previous drafts, there was language about focusing strongholds on wild fish. There was discussion about whether to word the section as pertaining only to wild fish, and Yost said he was concerned about leaving other fish out of stronghold consideration. Measure pointed out the language says there would be a regional process to determine how to define stronghold.

The stronghold idea loses “some oomph” if you don’t focus it on wild fish, Wallace said. Strongholds are to deal with native fish, Dukes agreed. That’s what a stronghold is, she said. Karier suggested adding a sentence such as, “Strongholds will emphasize the preservation and restoration of habitat for wild fish,” and the Council agreed. There was also agreement on Eden’s suggestion to drop a sentence that refers to “additional funding” so as not to create hope that the Council would set aside additional funds for strongholds.

Yost suggested deleting a paragraph on page 35 that referred to hydro system losses. Others felt the paragraph was needed to explain the bridge between hydro system losses and off-site mitigation. After some rewording, the paragraph was approved. Yost also suggested that throughout the draft, any “directional information” referring readers to other parts of the document be bracketed.

Yost questioned whether there was a need for the last paragraph on page 38 that refers to floodplain reconnections. Shurts explained that the paragraph did not just reiterate the issue of connectivity, but acted as a transition to emerging issues. Wallace said he thought it should stay because it captured the notion of ecosystem processes. Booth concluded there was not support for removing the paragraph.

Eden asked that the word “expects” replace “calls on” in places throughout the draft where the Council asks another agency to comply with its fish and wildlife program. She also suggested rewording a sentence with a double negative on page 38 that refers to Bonneville’s acquisition of power from hydroelectric developments inconsistent with the Council’s designation of protected areas. But Shurts said it echoed language in an appendix and the wording remained.

Staffer Patty O’Toole pointed out the artificial production strategies had been reworded to integrate the Hatchery Scientific Review Group.

With regard to wildlife strategies, Eden said she objected to a sentence that referred to “stacking.” There is no definition of stacking, Dukes added. Booth said there was extensive discussion of the provision in Spokane and a Council vote had approved the language. So we will leave it, he said.

Yost questioned a reference to “climate change” on page 77 in a sentence under the subhead “Manage for Variability.” Staffer Jim Ruff explained that the scientific literature provides a basis for including climate change as potentially bringing about ocean temperature changes and shifts in currents. Wallace said acidification is also a factor. Yost said he expected those factors would be covered under ocean conditions. We have a section on climate change and agreed on what it should say, he added.

There was some discussion of dropping the reference, but Measure said he thought it should remain. Climate change has been established as a factor in ocean conditions, he said. The sentence in question was subsequently reworded and another sentence, referring to “a wide range of life history strategies” was restored to the paragraph.

Moving to the mainstem strategies, Yost suggested deleting a reference to shifting summer flows to later in the summer. He said the Biological Opinion no longer includes such a measure, and the Council agreed to the deletion. Measure questioned a sentence on page 122 that referred to operations at Hungry Horse and Libby, but did not ask that it be deleted.

In the climate change section, Yost called for deleting a sentence regarding the actions that might be taken, saying he did not want to suggest action for a problem that may not exist. He also pointed out that the reference to lethal take of predators on page 130 seemed to be in the wrong place since it should apply to marine mammals, as well as non-native species. Council asked staff to reword and clarify the provision.

There was discussion about whether to reorganize the monitoring and evaluation section and put the description of research ahead of the Fish Passage Center. The Council decided to reorder the section with subheads for monitoring and evaluation, research, and Fish Passage Center.

Yost questioned the reference to climate change in describing subbasin plans. The subbasin planners have plenty to do without worrying about climate change – it belongs in the mainstem, he said. Eden said the phrase “to the extent possible” in the sentence indicates planners do not have “to go off on a wild goose chase,” and Dukes agreed, noting that subbasin plans should be encouraged to include protections for conditions that result from climate change. Wallace said

he too was inclined to leave the reference, adding that the mitigation emphasis in a subbasin plan might shift if climate change impacts are found. The reference was retained.

Moving to the implementation section, Eden proposed a more succinct description on page 154 of how measures are implemented as projects. The Council declined to make the change. Yost questioned the need for a reference to climate change in the water transaction program description on page 162, and Eden suggested adding “to the extent possible” to the sentence, which directs project sponsors to consider the potential impact of climate change.

Whiting recommended dropping an introductory sentence on page 167 that lists entities the Council will work with to coordinate program implementation. Eden called for rewording a sentence at the end of the same paragraph. The Council agreed on both requests.

Eden suggested the Council decide whether to include the Independent Economic Advisory Board (IEAB) in the draft. As proposed, the description of the IEAB stated that the Council would evaluate the board’s cost-effectiveness over the next year. Booth said the intent of the statement is to indicate the Council will work on developing the IEAB role and decide whether it is needed. My preference is to take a year and figure out how to make it more useful, he said, adding that economics is an important consideration for the Council. I would like the time to consider it, Booth said.

This is \$100,000 of ratepayer money and it’s being spent on things that are not directed by the Council, Dukes said. Karier clarified that every work task assigned to the IEAB is approved by the Council. Dukes said a pool of economists that could be called on for specific tasks would be more useful.

Yost said he supported leaving the IEAB in the program draft. There are studies they could do related to both power and fish and wildlife, he said.

Staffer Terry Morlan pointed out the Council has been talking about what to do with the IEAB for some time. I suggested that the IEAB isn’t cost effective, and we haven’t gotten them involved in very many activities, he reported, adding that most of their work is self generated. You could phase them out or keep them, but as they’ve operated over the past year, it hasn’t been worth the money, Morlan said.

If it isn’t currently in the program and its future is uncertain, why include the IEAB now? Eden asked. It won’t go away because we don’t include it in the program, she added.

The IEAB has been underutilized, Karier stated. But they have done valuable studies, including the evaluation of wildlife cost-effectiveness, he said. There is more they could do regarding the cost-effectiveness of the program, and keeping the resource available is a good idea, Karier said.

Booth said he was agreeable to leaving reference to the IEAB out of the program for now. It’s up to us to use these folks, he added.

There were no further comments, and Booth proposed going forward with the motion to release the draft.

Measure made a motion that the Council release for public comment the Draft 2008 Fish and Wildlife Program, and direct staff to give appropriate notice of the opportunities for comment, through close of business on October 30, 2008, with changes adopted by the Members at today's meeting. Karier seconded the motion.

Dukes said there was a lot of good material in the draft, but she would vote against the motion. This was not an easy decision, but we were charged with giving deference to tribes and fish and wildlife managers, she said. In three areas, they made strong recommendations, and those sections have been deleted or changed substantially, Dukes said. That is not in keeping with our obligations under the Power Act, and the draft is not where it should be, she concluded.

Eden said she agreed with her Oregon colleague. I look forward to the comment and the hearings and appreciate the work that has gone into it, she said. Oregon's position on the mainstem operations is inconsistent with what is in the Biological Opinion and in the Council's draft, Eden said. I can't support the draft, she said.

On a roll call vote, the Council passed the motion to release the draft for 60 days of public comment. Karier, Wallace, Measure, Whiting, Yost, and Booth voted yes; Eden and Dukes voted no.

Booth directed staff to send the program out in draft form. The Council will take comments and review them, he said. We are now on schedule with our review and with the public hearings that have been scheduled, Booth said. He noted that there was some issue with the wording in the cover letter, and the Council reviewed the contents of the letter. Eden asked about an earlier suggestion to request comment on a couple of specific items in the draft program, but Shurts said the topics had not materialized.

Measure said the Salish and Kootenai Tribes had requested an additional hearing, and staffer Tony Grover said a hearing was scheduled for October 14 in Pablo or Polson, Montana. Staffer Karl Weist pointed out that there was not a final decision on whether to have the Oregon hearing October 21 or 22. He said there would be a decision by the time the draft and cover letter with the hearing schedule is released.

Booth asked staff when the draft would be ready for release, and Grover said he was certain it would be ready by Tuesday, September 2. Wallace joined others in thanking his fellow Council members and staff for their work in bringing the draft to completion.

The meeting adjourned at 12:06 p.m.

Approved September 17, 2008

/s/ Bruce Measure
Vice -Chair