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Northwest Power and Conservation Council

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James Yost
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Pat Smith
Montana

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June 2, 2015

DECISION MEMORANDUM

TO: Council members

FROM: Mark Fritsch, project implementation manager

SUBJECT: Approval of charter for the Wildlife Advisory Committee

PROPOSED ACTION:

Approve the renewal and update of the Wildlife Advisory Committee charter.

SIGNIFICANCE:

The charter for the Wildlife Advisory Committee (WAC) expires June 11, 2015.¹ Recommendations of the WAC to the Council will continue to assist the Council in addressing wildlife operational losses. The Council has directed the WAC to examine the existing options and alternatives for providing mitigation for wildlife operational losses and address HEP issues, and to provide a recommendation to the Council for resolving the issue by October 1, 2015.

BUDGETARY/ECONOMIC IMPACTS

The Wildlife Advisory Committee meets monthly in conjunction to the scheduled Council meetings. Peter Paquet has been contracted to coordinate meetings, develop agendas, prepare presentations and minutes, and formulate the final product from the WAC. Council staff time associated with these meetings and contract oversight are minimal.

BACKGROUND:

The 2009 Fish and Wildlife Program called for establishing a wildlife mitigation advisory committee to assist the Council in carrying out its wildlife mitigation obligations. The

¹ <http://www.nwcouncil.org/media/7085451/wildlife-advisory-charter-signed.pdf>

Council established the Wildlife Crediting Forum in which the Council worked with Bonneville Power Administration and fish and wildlife managers to develop agreement on the proper crediting method for construction and inundation losses or strategies that will allow parties to reach long-term settlement agreements. The Wildlife Crediting Forum carried out that work and made a recommendation to the Council in 2009. The Forum did not address the future needs for monitoring evaluation efforts and future need for regional Habitat Evaluation Procedure (HEP) teams.

The WAC was established by the Council in 2013 to facilitate discussions between resource managers, Bonneville Power Administration, the Council, and other interested parties to make recommendations to the Council on employing new methods and technologies to guide regional HEP teams with respect to accounting for operational losses.

In the 2014 Fish and Wildlife Program, the Council confirmed the ongoing difficulties in addressing wildlife operational losses. At the same time the Council recognized some progress had been made in addressing the issue as a result of pilot projects on the Kootenai River. In the program, the Council directed the Wildlife Advisory Committee to examine existing options and alternatives for mitigating for wildlife operational losses and to provide a recommendation to the Council for resolving the issue by October 1, 2015.

ANALYSIS:

Attached is a copy of the updated charter for the Wildlife Advisory Committee. The charter was prepared in accordance with the Council's policy on advisory committees and the Federal Advisory Committee Act.

The current WAC charter expires June 11, 2015. The proposed charter (attached) proposes a committee termination date of October 31, 2015. This termination date should allow sufficient time to get the advisory committee's recommendation timely to the Council as well as to allow sufficient time following the submittal of the recommendation to respond to any questions the Council may have with respect to the committee's recommendation.

The proposed charter updates the existing charter to incorporate the Council's directive to the WAC in the 2014 Fish and Wildlife Program; directing the WAC to make a recommendation to the Council on resolving wildlife operational losses by October 1, 2015. The updated charter, under Section 3 "Objectives and Scope of Activity", adds "species responses" as one of the factors that may influence the region's need for follow-up HEP capacity. Proposed updates to the existing charter are highlighted.

ALTERNATIVES:

It is possible that the Council could obtain advice and recommendations from wildlife experts without renewing the advisory committee. That would however require many meetings and consultations between Council staff and different experts and groups, most of which currently participate in the WAC. Such an alternative would lack the benefit of getting the region's experts together in one place at one time to discuss the

issues and may result in a delay in getting a recommendation to the Council by the October 1, 2015 date.

ATTACHMENT:

Proposed Wildlife Advisory Committee Charter

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CHARTER OF THE WILDLIFE ADVISORY COMMITTEE

1. Official Designation: This Committee will be known as the Northwest Power and Conservation Council's Wildlife Advisory Committee.
2. Background: In the 2009 Fish and Wildlife Program, the Council called for the initiation of a Wildlife Mitigation Advisory Committee to: "1) recommend a commonly accepted ledger of habitat units acquired; 2) recommend to the Council ways to resolve issues about accounting for habitat units; and 3) develop a common data base for tracking, assigning and recording habitat units." In addition, "[a]s part of the Advisory Committee, the Council will work with Bonneville and the managers to develop a comprehensive agreement on the proper crediting method for construction and inundation losses or strategies that will allow parties to reach long-term settlement agreements. Once completed, the Council will consider adopting the comprehensive agreement into the Program." To carry out that work the Council chartered the Wildlife Crediting Forum (WCF). The WCF completed its work and made its recommendations to the Council in 2009. However, the WCF did not address the future needs for monitoring evaluation efforts and future need for Regional Habitat Evaluation Procedure (HEP) Teams.

At the November, 2012 monthly meeting the Council made several decisions regarding processes and activities that were reviewed through the Council's Program Evaluation and Recommendation Committee. At that time the Council directed the staff to take the several actions with regard to the Habitat Evaluation Procedures Process, including the reconvening of the Wildlife Crediting Forum (WCF) to address needs and future plans for HEP. At its February 2013 monthly meeting the Council accepted the recommendations of from that process and directed the establishment of the Wildlife Advisory Committee (WAC) to facilitate discussions between resource managers, BPA, the Council, and other interested parties to plan the future for Regional HEP Team needs and to make recommendations and guide the Regional HEP Team into the future where work on operational losses will create a need for employment of new methods and technologies.

In the 2014 Fish and Wildlife Program, the Council highlighted the ongoing difficulties in addressing wildlife operational losses. At the same time the Council recognized some progress had been made as a result of pilot projects on the Kootenai River. In the program, the Council directed the Wildlife Advisory Committee to examine existing options and alternatives for resolving the issue of how best to mitigate for wildlife operational losses and to provide a recommendation to the Council by October 1, 2015.

3. Objectives and Scope of Activity: The Wildlife Advisory Committee will advise and make recommendations to the Council regarding the following issues:
 1. The need for additional HEP reports and future HEP Team funding.
 2. The diminishing need for HEP on new acquisitions as BPA completes C&I mitigation.
 3. Current regional need for follow up HEP capacity to track project agreement compliance on many properties. That need may be influenced by

- a. Long-term settlements for operation and maintenance;
 - b. Technology advances may allow the region to more cost effectively track changes in habitat conditions using remote sensing or other techniques;
 - c. **Species responses.**
4. The need for new methods to assess operational losses that incorporate the results of ongoing pilot projects that have explored how best to fulfill that specific need. This could include technical testing and evaluation of operational loss models and methodologies, or other alternative habitat evaluation methods.
4. Official to Whom the Wildlife Advisory Committee Reports: The Wildlife Advisory Committee will report to the Executive Director of the Council.
5. Authority of the Committee: The Wildlife Advisory Committee will serve in an advisory capacity only. Neither the Committee nor its members are authorized to make statements or commitments on behalf of the Council. Committee members will not be considered to be members of the Council staff.
6. Committee Management Officer: The Committee Management Officer ("Management Officer") for the Wildlife Advisory Committee will be the Director of the Council's Division of Fish and Wildlife. The Management Officer will designate members of the Council's staff to coordinate and attend meetings of the Committee.
7. Estimated Annual Cost: To provide organizational and analytical support for monthly meetings and products is furnished by a contract with Peter Paquet which runs from January 1, 2015 to November 31, 2015. No additional costs are incurred by the Wildlife Advisory Committee under this charter.
8. Membership: Membership will include tribal, state and federal fish and wildlife managers, Bonneville Power Administration and Bonneville Power customer groups and will be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.
9. Chair:
 - (A) The Chair of the Wildlife Advisory Committee will be appointed by the Chair of the Council, after consultation with the other Council members, and will serve at the pleasure of the Council.
 - (B) The Chair may be called upon to report to the Executive Director of the Council on appropriate matters, including the Wildlife Advisory Committee's progress on the tasks described in Part 3 of this Charter.
 - (C) The duties of the Chair will include presiding over the Wildlife Advisory Committee meetings, ensuring that detailed minutes of such meetings are prepared and submitted to the Executive Director of the Council in a timely manner, and maintaining communication between the Committee and the Council's staff.
 - (D) The Chair will certify minutes of meetings of the Wildlife Advisory Committee. The minutes should include a complete and accurate description of matters discussed, conclusions reached, actions taken, persons invited to meet with the Committee, and persons in attendance. The minutes also will include copies of reports received, issued or approved by the Committee. Minutes of meetings will be prepared and released within ten days of the meeting, unless an extension is granted by the Management Officer. The Management Officer will distribute copies of the minutes to members of the Committee and the other interested persons.
 - (E) Sub-groups of the Wildlife Advisory Committee may be established by the Chair of the Committee to undertake particular aspects of the Committee's work. Methods for organizing the work and procedures of the Committee must follow the scope of responsibilities assigned

to the Committee by the Council. The work of the staff for the Committee will include making arrangements for Committee meetings, solving logistical problems, and providing clerical services.

10. Vice-Chair: A Vice-Chair of the Wildlife Advisory Committee may be appointed by the Chairman of the Council, after consultation with the other Council members, and will serve at the pleasure of the Council. The Vice-Chair will perform the duties of the Chair of the Committee in the absence of that Chair, and such other duties as the Chair of the Committee may assign.
11. Rules: The Advisory Committee rules approved and adopted by the Council on March 17, 1982, as amended from time to time, will apply to the Wildlife Advisory Committee.
12. Estimated Frequency of Committee Meetings: The Chair of the Wildlife Advisory Committee, after consultation with the Management Officer, or his designee, will call meetings as necessary. The estimated frequency of meetings is bi-monthly. All meetings will be open to the public, unless closed pursuant to 5 U.S.C. 552b(c). Timely notice of meetings, including agendas, will be made. Interested persons may attend Committee meetings and appear before or file statements with the Committee, subject to such reasonable rules as the Council may prescribe.
13. Duration: The Wildlife Advisory Committee will **terminate on October 31, 2015** unless renewed in accordance with the Federal Advisory Committee Act. All Members of the Committee serve at the pleasure of the Council.

This Charter for the Wildlife Advisory Committee was approved and adopted at a duly called meeting of the Pacific Northwest Power and Conservation Planning Council, June 9, 2015 at Coeur d'Alene, Idaho.

COUNCIL

NORTHWEST POWER AND CONSERVATION

By:

Phil Rockefeller, Chair

Date Filed: