

Council Meeting Portland Oregon

March 14-15, 2006

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Reports from Fish and Wildlife, Power and Public Affairs committee chairs; report on February trip to Washington, D.C.; and report on Columbia Basin Trust:

Rhonda Whiting chair, fish and wildlife committee; Jim Kempton, chair, power committee; Larry Cassidy, chair, public affairs committee; and Joan Dukes, Oregon Council Member.

Power Committee chair Jim Kempton reported that a letter on BPA's conservation policies from Tom Karier to Steve Wright would come before the Council later in the meeting for approval. Howard Schwartz provided the committee an update on Washington's energy legislation, we heard about what the Resource Adequacy steering committee is considering as an approach to establishing a regional metric, and we had a discussion about ongoing RTO efforts, he said. In addition, the committee started a review of issues related to the Fifth Power Plan and went over the Power Division's work plan for the year, Kempton said. With regard to the Regional Dialogue, the principals' meeting in February was canceled, and we're waiting for BPA to publish a draft Record of Decision in April, he concluded.

Larry Cassidy, chair of the Public Affairs Committee, said his group would meet later in the day to view a newly produced Council video and discuss plans for celebrating the 25th anniversary of the Northwest Power Act.

Judi Danielson, filling in for Fish and Wildlife Committee chair Rhonda Whiting, said the committee had a briefing on monitoring under the Oregon Plan, and discussed within-year funding issues. We had a long discussion of issues related to 2007-2009 project selection, and we have a good dialogue going with the Columbia Basin Fish & Wildlife Authority (CBFWA) on that, she reported. We discussed capital borrowing and cost-sharing issues, and CBFWA gave a status report on its resource report, Danielson wrapped up.

Council vice chair Joan Dukes reported on a meeting she had in Spokane with a representative of the Columbia Basin Trust. She indicated members of the Trust would attend the May and September Council meetings. The Trust will be releasing a policy paper on global warming later this year, and they expect a lot of reaction, Dukes stated. She also mentioned that the Trust is involved with youth outreach and could use Council members' help with contacts on this side of the border.

1. Update on Pisces Program Reporting:

Bill Maslen; Matt Deniston; and Laurie Perigo, Bonneville Power Administration.

BPA staffers Bill Maslen, Laurie Perigo and Matt Deniston updated the Council on progress with the Pisces program. According to Maslen, Pisces has been up and running for a year. The program, a computer tool for managing BPA's F&W contracts, is structured around work elements that were developed through extensive regional discussions, he stated.

We are hearing that we may not have gotten the elements right, and while “they may need to be tweaked,” we think they are the right ones, Maslen indicated. He pointed out that the Pisces work elements were included in the 2007-2009 F&W project solicitation. We are now looking at what reports will be the most useful for managers “to assure that the work executed is what was asked for,” Maslen explained. We have reports on project and program levels to demonstrate for you today, he said.

Deniston described the program-level report, noting that it incorporates over 400 projects and 8,200 work elements. He explained that the current example, a snapshot as of February 24, 2006, has limitations, and he indicated that while the report covers nearly \$194 million in F&W project budgets, the data does not cover a full fiscal year. Perigo gave an overview of a project-level report, which she acknowledged is not yet automated.

Melinda Eden said she was concerned about the 41 percent shown on the pie chart for research, monitoring, and evaluation (RME) and the definitions that are being used for work that falls into that category. We need to discuss how you are defining RME in Pisces, Cassidy agreed. This appears to be saying that the Council is authorizing 41 percent of the budget toward “checking on the checkers,” he said. We need to find out exactly what we’re talking about here, Cassidy stated. Deniston pointed out that the 41 percent cuts across project boundaries and budgets. Cassidy asked for a printout of the 8,000-plus work element definitions.

Who decides what is RME? Dukes asked. The sponsors describe it themselves; it is not a BPA characterization, Deniston responded, adding that sponsors select from a menu of elements to describe their work.

Cassidy asked what basis BPA would use to get to its 25 percent goal for RME. “We’re striving for a programmatic approach,” Maslen responded. “There’s no end” to the amount of data a biologist would want, and we want to assure the data is relevant to carrying out a policy and to project management, he indicated.

Eden reiterated that the Council needs to work with Maslen to clarify the definitions. She pointed out that the subbasin plans were done “from the bottom up,” and we wanted the planners’ opinions about what kind of RME they wanted.

Is BPA coming off its 25 percent number? Cassidy asked. “No,” Maslen responded. “We need to work that out – if it’s going to drive policy, we need to figure out how to make that happen,” Cassidy replied.

Karier pointed out that new RME requirements could be coming along with the remand Biological Opinion and estuary work. “Let’s not focus on arbitrary numbers – we need to see what we’re learning,” he suggested. Despite the outstanding issues, he said BPA deserves credit for the job it is doing with Pisces.

2. Council decision on letter to the Bonneville Power Administration for an annual project review:

Doug Marker, director, fish and wildlife division.

Karier explained a draft letter asking BPA to conduct a performance review of all ongoing F&W projects by June 16. It would be helpful for our 2007-2009 project selection, he said, adding that the request allows BPA a lot of flexibility in its response. The letter poses three questions: is the project on schedule and accomplishing its goals, objectives, and milestones; does the project appear to be doing so within recommended budgets; and what is known about the success and accomplishments of any RME that is part of the project.

I'm uncomfortable with sending this letter, and I don't understand the point or the timing, Eden said. We have all of the information that is being requested, except perhaps question two, which relates to whether a project is meeting its goals and objectives efficiently and cost-effectively, she said. Asking BPA to do this "is unnecessarily duplicative," Eden said. "I don't want to give BPA an excuse to add one more cent to its F&W overhead," she added. In Oregon, we are holding meetings that will go over the projects in great detail, Eden said. "I won't support the letter," she stated.

How extensive and time consuming would this request be? Kempton asked. "It's not a simple matter," Maslen responded. He explained that information from Pisces and the project proposals would address two of the three questions. But whether the project is meeting its goals and objectives efficiently and cost-effectively would be more difficult – it's subjective and "creates sensitivity," Maslen said. There is a moderate amount of work here – it's not inconsequential, he added.

This is a continuation of the performance auditing discussion, Dukes stated. Question two is "in the eye of the beholder," she added. I wouldn't expect to see any report that says a project is non-cost-effective, Dukes said. "I will vote no," she stated.

I don't see a problem with this, Cassidy said. It's just asking for a review of ongoing projects, and they need the most scrutiny, he stated. It's a request for a one-page report – I'd like to see the information this asks for, Cassidy added.

Dukes offered a motion that the Council approve for the signature of the Chair the letter to Bonneville presented by the staff requesting a review of all ongoing projects in the Fish and Wildlife Program. Cassidy seconded the motion.

Eden asked whether BPA will use the definition of cost-effectiveness in the Northwest Power Act. Maslen explained that 25 years of program implementation does not necessarily fit well with that standard. It will "create tensions for us," he added.

Danielson moved to strike "efficiently and cost effectively" from question two and insert "within recommended budgets." Cassidy seconded the motion. The motion passed, with Eden voting no. Kempton suggested an additional amendment, but it did not pass.

Eden questioned Maslen about why the agency has already started doing a detailed review of ongoing F&W projects. We have been doing this review so we can weigh in early in the project selection process, he responded.

The motion to send the letter passed, with Eden and Dukes voting no. Rhonda Whiting was absent from the meeting.

3. Council decision on letter to the Bonneville Power Administration regarding conservation:

Terry Morlan, director, power division.

Staffer Terry Morlan went over a draft letter to BPA regarding the agency's conservation policies. We are asking BPA to give strong incentives for utilities to pursue the conservation we outlined in our Power Plan, he said. Morlan pointed out that BPA's partial-requirements customers often cite as a disincentive to conservation, BPA's practice of decreasing net requirements if they reduce loads. We also hear about the "too low" level of payment in conservation acquisition agreements (CAA), he said.

The letter asks BPA to review its CAA policy and to promote conservation broadly within utilities and not just for the loads the agency serves, Morlan explained. Dukes made a motion that the Council approve for the signature of the Chair the letter to Bonneville presented by the staff on current and developing conservation policies. Eden seconded the motion, which passed seven to zero, with Whiting absent.

4. Presentation by the Pacific Northwest Utilities Conference Committee on the project selection process for 2007-2009:

Shauna McReynolds, PNUCC and others.

Shauna McReynolds of PNUCC said PNUCC members would like to have "a conversation" with the Council about the 2007-2009 fish and wildlife (F&W) project selection process. We'd like to talk to you about why we are interested and what we would like to get out of the process, she said, introducing PNUCC member Steve Eldrige of Umatilla Electric Co-op.

We are "natural allies" on salmon and F&W recovery, Eldrige told the Council. Most of our members are farmers, and they understand the need to conserve resources, he said. Eldrige noted that he began talking to the Council back when interest blossomed in purchasing the Conforth Ranch. My optimism about making a difference "ebbs and flows," he acknowledged. ESA-listed salmon recovery plans will be out this year and that offers an opportunity for collaboration that could make a difference, Eldrige stated. The risk has been greatest over the last year in Judge Redden's court, he said, adding that he thinks the judge now sees there is more to salmon-recovery issues than it first appeared.

We believe that nature unaided cannot support harvest, Eldrige said. We have limited funds to spend, and "cost-effective" means asking, "with what we have to spend, what will get us the most," he stated. The overarching impact to F&W resources is "modern society," and everybody has to put in money to mitigate the impact – it's not just the responsibility of BPA customers, Eldrige said.

He urged the Council to use the utilities' model of "integrated resource plans" for F&W expenditures. You could have a similar effort, wherein every dollar is targeted to accomplishing something in the recovery plan, Eldrige explained. The way our limited dollars are spent now,

“it’s a jobs program,” with overhead taking up 50 cents of every dollar in some projects, he stated.

Spend some money on clearing up the controversies that won’t go away, like spill, flow, and harvest, Eldrige advised. For example, what if we had a complete moratorium on fishing for a salmon lifecycle to see how many fish would come back? he asked. Do we even know where we are at with recovery? Shouldn’t we learn more about some of these things so we can add or discard policy? Eldridge added.

There is a great need for leadership, he continued. The Council should take on that role and get others to agree on a course of action, Eldrige suggested. One of the first things to focus on is the \$30 million flood control study the Corps is proposing, he added. It’s based on a controversial assumption – shouldn’t we decide if the underlying assumption is true first? Eldrige stated.

5. Presentation by the U.S. Army Corps of Engineers on system flood control reconnaissance study:

Lonnie Mettler, U.S. Army Corps of Engineers.

Lonnie Mettler of the Corps of Engineers briefed the Council on the Corps’ System Flood Control Review, starting with an explanation of the Corps’ two-part study process: reconnaissance and feasibility. A reconnaissance study uses existing information, identifies potential actions, and gauges regional interest, he said. We don’t generate new information for the reconnaissance report, Mettler elaborated. On the basis of the reconnaissance report, we notify Congress of something that needs to be done, and the next step is to prepare a project management plan as a pathway to a feasibility study, he said. We’ll look for input from the region on the management plan, Mettler added.

A feasibility study is much more detailed, and the outcome is a set of actions that could go on to a construction project, he said. It is a decision document, Mettler said.

The system flood control report is the result of an action in NOAA Fisheries’ BiOp that seeks more flow for ESA-listed salmon and steelhead, he stated. The reconnaissance report identifies potential modifications to Columbia River flood control operations and considers how possible modifications would benefit the Columbia River ecosystem, Mettler explained. He pointed out that the study would recognize all project purposes, including acceptable levels of protection from damaging floods.

The reconnaissance report points out actions that might provide additional water to benefit fish, Mettler said: improving use and reliability of volume forecasts; changing systemwide storage regulation to manage for more storage, flow, and flood control; updating levees as needed to meet new flows; and redefining acceptable levels of damage reduction. Based on the results of the reconnaissance report, we recommend moving forward to the feasibility study, and we want the region to tell us whether that is a good move, he stated.

Mettler listed several issues related to the study. Among them, the reconnaissance study assumed biological benefits linked to obtaining flow objectives for fish, he said. There has been

some confusion here, Mettler acknowledged. “We’re looking for more water for fish” and the benefit or value this could have for fish recovery, he stated. On the downside, if greater flood damage risk is identified, we may end up with less water for fish flows, Mettler said.

This study will be expensive, he continued. The information on which we’re basing current flood control is 30 to 40 years old, and we need to update it, Mettler said. If the study is funded through the Columbia River Fish Mitigation program, it would compete with actions at the dams for fish passage, he said. “The tie-in is there for fish” – the driver is not improvements to flood control, Mettler added.

The question I see is whether this is for flood control or fish, Council chair Tom Karier stated. If you could end up with less water for fish, then this is about flood control, he said.

We’re coming from the premise that this is evaluating a part of the need for fish mitigation, Mettler responded. We probably wouldn’t address fish if we were doing this strictly for flood control, he added. The driver is “looking for water for fish,” Mettler stated.

He outlined the next steps, noting that the comment period on the reconnaissance report is open through March 31, after which the report will go to Congress, along with letters from interests in the region. If there is strong regional support, we’ll get going on a project management plan for the feasibility study, Mettler indicated. He noted that the plan would include “phases and off-ramps” because the study would be costly.

I’d like to see this type of study, but it’s very expensive, Cassidy said. Without a statement of work and more detail on how you would do this type of study, I couldn’t say whether we would support it, he added.

“I’m taken aback at the magnitude of this study,” especially given what has come out of Judge Redden’s court, Danielson stated. “I’m mystified” by this, she said. If the purpose of your study relates to the ESA, how can you consider the economic impacts of flood damage? Jim Kempton asked. Judge Redden has made it clear that the economics of spill, for example, do not compete with ESA recovery actions, he stated. You can’t argue an economic benefit against an ESA action, Kempton pointed out.

This timing is odd given that a new BiOp is being written, Karier stated. A new BiOp may not include this action, he said. And until you establish the benefit of additional flow for fish, why would you fund a study to look for more? Karier asked. I’m also concerned about the price tag, he continued. Why would we risk implementation of Removable Spillway Weirs to fund this study? And if you find there is less water for fish, do you intend to credit the cost of the study back to the power system? Karier asked.

6. Status report on power supply outlook for 2006:

John Fazio, senior power systems analyst.

Staffer John Fazio briefed the Council on the 2006 power supply outlook, noting that the January-July runoff forecast is 107 million acre-feet (Maf) or 100 percent of average. The

forecast presumes normal precipitation through August, and there is a 95 percent confidence level that the runoff will be between 91 and 123 Maf, he elaborated. The runoff this year ranks 46th among the past 77 years, but is the highest since 1999, Fazio said, pointing out that the last six years have been below average. The 58 Maf in 2001 was the second driest on record, he added.

We get lots of hydro generation with this forecast, Fazio went on. The annual generation forecast associated with 107 Maf is about 14,000 average megawatts (aMW), 4,000 aMW more than in the driest years, he said. In terms of load/resource balance, we estimate an overall surplus of about 2,500 aMW, according to Fazio. The surplus varies by month, with lower totals in April (2,000 aMW) and May (6,000 aMW), when maintenance on thermal plants is generally done, to over 8,000 aMW in June and July, he explained.

Would the surplus revenue exceed \$500 million? Larry Cassidy asked. This forecast will bring “a lot” of revenue, Fazio hedged, even with court-ordered spill, which reduces generation by about 10 percent. As to whether we have an adequate supply, the answer is yes, he stated. The chance of insufficient resources is near zero, Fazio said.

What would happen with an early runoff? Judi Danielson asked. The April surplus would increase, and there would be less water for generation in May and June, Fazio explained. The surplus would shift to a later period, he clarified.

Melinda Eden raised a question about the capacity of the Intertie, and staff said it is close to 7,000 aMW. So even with the court-ordered spill, the surplus would exceed Intertie capacity in the highest months, she commented. Not exactly, Fazio responded. About 3,000 aMW of the surplus generation reflected on these graphs is thermal, he indicated. California utilities would not import gas-fired generation from the Northwest “unless they were desperate,” Fazio explained. Some of the surplus hydro generation would be used to displace higher-cost (thermal) resources here in the region, he said.

Fazio went on to describe the likelihood of flows on the Snake and Columbia rivers reaching Biological Opinion (BiOp) targets in the spring and summer. On the Snake, it’s unlikely we’ll achieve the summer flow target of 50,000 cfs in August, he reported. In only two of 50 years in the models, could that target be achieved, Fazio added. Things look better on the Columbia, with models showing flows at McNary at over 200,000 cfs, the BiOp target, even in the first and second periods of August, he said. “It’s a decent year for fish” on the Columbia, Fazio added.

Under Judge Redden’s order, we spill at all eight mainstem dams for 24 hours a day from April to the end of August, he continued. The BiOp calls for spill only 12 hours a day at four dams – there is no spill at dams where fish are collected for transportation, Fazio said. We have plenty of generation to meet load even with the court-ordered spill, he explained. The losses to generation due to that spill range from a low of 166 MW-months in June to a high of 690 MW-months in July, according to Fazio’s graphs.

Based on power costs ranging from \$41 to \$51 per MW-hour during the April to August period, the court-ordered spill will cost the system about \$60 million, he said. The bulk of the costs would occur in July and August, Fazio added.

If the surplus exceeds the capacity of the Intertie, are those costs real? Joan Dukes asked. They are, Fazio responded. Excess hydro generation is used instead of thermal generation to serve load in the Northwest first, and the remaining surplus would not exceed Intertie capacity, he explained.

7. Public comment on Resource Adequacy Issue Paper (Council document 2006-01).

No one appeared to comment on the Issue Paper

8. Council decision on within year project funding and implementation:

Mark Fritsch, manager, project implementation.

– Project #1990-044-00, Coeur d’Alene Tribe Habitat Restoration - Trout Pond Stocking

The Council voted to approve an in-year funding request related to the Coeur d’Alene habitat restoration project. According to staffer Mark Fritsch, the tribe submitted an alternative to building new trout ponds, proposing instead to stock existing ponds this year. He said the proposal had gone through all of the necessary reviews and received favorable consideration by the F&W committee.

Kempton made a motion that the Council recommend that Bonneville fund, in an amount not to exceed \$58,079 using FY 2006 funds, the Coeur d’Alene Tribe Habitat Restoration Project for stocking and conducting associated maintenance and monitoring for this project’s existing three ponds. Cassidy seconded the motion, which passed five to zero. Dukes, Danielson, and Whiting were absent for the vote.

– Project #2003-114-00, Acoustic Tracking for Studying Ocean Survival

Fritsch explained that the project to conduct Acoustic Tracking for Studying Ocean Survival has a \$1.5 million budget for 2006, and sponsors have proposed to expand its scope of work this year into full implementation. He noted that the ISRP reviewed the project design and provided recommendations and that the project sponsors had addressed the ISRP concerns. Fritsch also pointed out that the project is funded in part from sources other than BPA. The amount our F&W program will commit has not changed with this proposal to expand the implementation work this year, he added.

This is an important state-of-the-art project, Cassidy commented. It will increase the knowledge about early marine survival of smolts from the Columbia River, he said.

Dukes made a motion that the Council confirm that the sponsor’s response and Bonneville’s contract for the Acoustic Tracking for Studying Ocean Survival Project have satisfied the conditional funding recommendation in the Council’s FY 2006 Fish and Wildlife Program start-

of-year recommendations. Cassidy seconded the motion, which passed seven to zero, with Whiting absent.

– **Recommendation for funding environmental review of Klickitat subbasin passage improvements**

Fritsch described an in-year funding request to conduct an environmental review of an adult monitoring facility at Castile Falls and Lyle Falls on the Klickitat River. The project is part of the Yakama Tribes' Klickitat Subbasin Anadromous Fishery Master Plan, which has not been approved by the Council, he said. Fritsch pointed out that the ISRP was critical of the master plan, and Council and tribal staff and BPA have been discussing revisions that would respond to the ISRP comments.

This \$473,000 request would allow the Yakama to do the environmental assessment and address shortcomings in the master plan, he explained. Other elements in the master plan will be framed up for the 2007-2009 project selection process, Fritsch indicated.

Cassidy pointed out that the results of the environmental assessment would be a big consideration in 2007-2009, when the future of the master plan is decided. This could be the end of what we expend on it, he noted. The F&W committee views this assessment as critical for anything else that happens in the Klickitat Subbasin, Fritsch said.

It sounds like we're putting an environmental review ahead of the master plan, Eden commented, adding that the review may be "putting the cart before the horse." The proposed hatchery has raised issues with the ISRP, staffer Doug Marker responded, but we need the passage study regardless of whether the hatchery is developed or not. This review is not part of the hatchery plan – it's a stand alone assessment, he said.

Dukes made a motion that the Council recommend that Bonneville fund, in an amount not to exceed \$473,000 in FY 2006 funds, environmental review of the adult monitoring facility at Castile Falls and Lyle Falls and revisions of the Klickitat Master Plan, subject to the conditions outlined by staff. Cassidy seconded the motion, which passed seven to zero, with Whiting absent.

9. Briefing on Marine Mammal Protection Act provisions for sea lion protection:

Garth Griffin, NOAA Fisheries

Garth Griffin of NOAA Fisheries told the Council that the Marine Mammal Protection Act (MMPA) is a powerful law that has been "extremely successful for some species," including California sea lions that prey on Columbia River salmon. The MMPA, passed in 1972 as a result of public concern over the plight of porpoise, dolphins, and whales, has some similarity to the ESA, he said. The purpose of the Act is to keep these species at "optimum sustainable population" levels and to protect and encourage them to develop, Griffin explained. But unlike the ESA, he said, Section 101 of the MMPA puts an upfront prohibition on "taking" of these animals and puts a moratorium on hunting, harassing, capturing, or killing them.

There are some exceptions to these MMPA provisions, which include non-lethal deterrence, Griffin said. In implementing the MMPA, we have not been good at explaining the deterrent techniques that can be used, he acknowledged. Griffin also pointed out that Section 109 of the Act allows states to request return of the authority for conservation and management of marine animals, but such a request has never been made. It's expensive to do and the responsibility would then fall to the states to uphold the law, he said.

The MMPA allows for the non-lethal removal of nuisance animals, and Griffin said he expects to see more local officials pursue authority to disrupt the problem pinniped behavior. The law allows for taking of marine mammals to protect the public health and welfare, but Griffin said that does not include protecting ESA-listed salmon.

In what was known as "the Ballard Locks amendment," Congress changed the law to allow states to apply for authority to take "individually identifiable pinnipeds that are having a significant negative impact on the decline or recovery of a salmonid stock," he noted. But Ballard was not "a success story," Griffin said: "it was an utter failure." We watched as a run of winter steelhead went extinct during that time, he said. We tried everything we could think of to discourage the sea lions at the locks, Griffin stated.

When Congress finally took action, the legislation morphed into something that contained a lot of protections for the sea lions, he explained. The process for getting authority was extremely slow, controversial, and expensive to put into action, and by the time the state got authority to remove the perpetrators, the steelhead run into Lake Washington was extinct, Griffin said.

There is a subset of animals in these situations that are intractable, he continued. They return year after year to feed, Griffin noted. Right now, 50 percent of the animals at Bonneville Dam are ones we have seen before, he said.

By far, the worst offenders are California sea lions, creating over 90 percent of the problem, Griffin reported. Stellar sea lions make up 5 to 7 percent of the problem, and Harbor seals are a distant third, he said. Griffin went over the population numbers for these species, pointing out that the California sea lions "are doing great." In the early 1970s, there were about 10,000, and today there are close to 250,000, he said. And they have moved well beyond their historical range, Griffin stated. Because the population has expanded so much, they are almost always around now, he added.

NOAA Fisheries' history with the problem goes back to the 1990s, when the California fishing industry began to suffer, Griffin said. We got the job of looking into the conflict between ESA-listed salmon and marine mammals, which resulted in a report to Congress, he explained. The report included recommendations for further study, but funds for ecosystem research ran out two years ago, Griffin said.

The Corps has been the agency on point to see the expanding problem on the Columbia River, he said. In 2001, the sea lion numbers at Bonneville Dam began to increase and the Corps began monitoring them, according to Griffin. Last year, the low chinook returns prompted additional concern, he said: the sea lions showed up early, and the salmon showed up late and in small numbers.

In 2005, the agencies cooperated in implementing non-lethal deterrence at Bonneville Dam, Griffin went on. They found that hazing with explosives moves the animals around, but the majority returns when the hazing ends, he said. They also found that predation increases in the areas where the sea lions move in response to harassment, Griffin added.

The recommended actions for 2006 include hazing the animals as soon as they show up, installing fish ladder exclusion gates, installing an “acoustic fence” near the ladder entrances, and monitoring predation rates and the effectiveness of the deterrents, he said. Griffin acknowledged that there is “a repeat offender,” who has already figured out how to get through the exclusion gate at Bonneville Dam.

The predation data shows that the sea lions “have figured out how to use this area” to feed, he said. According to a table on predation, the estimate of adult spring chinook taken in 2005 is 2,920 or 3.4 percent of the total. That is “nowhere near the actual impact,” Griffin said, pointing out that data collection began in mid-March. Some of my colleagues estimate the total to be closer to 10 percent, he added. The sea lions “are voracious eaters and are highly energetic,” according to Griffin.

We have recent evidence that they have figured out how to kill huge sturgeon, he said. The impact to white sturgeon is of great concern, Griffin summed up.

Would “take” work to solve the problem? Karier asked. There are a limited number of animals that are causing most of the damage, Griffin responded. It is important to figure out who the culprits are and to remove them, he said. The statute requires branding these animals, and the states have been doing that, Griffin stated. The available tools allow us to chase the animals around, but it isn’t that effective; ultimately, changes to the MMPA are part of the answer, he said.

I think there is enough resolve on the Council to go on record in support of take, Bruce Measure said. I think that’s where we are headed, Karier agreed.

10. Update on the NOAA hatchery review, on the status of NOAA’s recovery planning effort, and on completion of the AHA data verification effort:

Doug Marker; Peter Paquet, manager, wildlife and resident fish; and Jim Waldo.

NOAA Fisheries recently hired Jim Waldo to oversee a Congressionally mandated review of hatcheries and harvest and their effect on ESA-listed salmon and steelhead in the basin, staffer John Shurts said in introducing the Tacoma lawyer. The work that Waldo is doing has implications for the Council’s pursuit of biological objectives at the province level, Shurts said.

We’re in the process of shaping an effort that will review the relationship of hatcheries to the recovery of salmon in the Columbia River Basin, Waldo said. We plan to focus on fish management, not on legal judgments, and we will be looking to the future and how hatcheries tie into other efforts, he added. Waldo said the effort would build on what has already been done in Puget Sound and on what the Council has accomplished with development of the All-H Analyzer (AHA) model.

Our current thinking is the effort will take about 24 months, he said, detailing the outcomes expected. In addition to reviewing hatcheries, assessing programs against the goals, and determining the value, the outcome will include a proposal for how to conduct an EIS for the Mitchell Act hatcheries, Waldo said. We'll propose how to write an EIS for a system that is undergoing change, he added.

Waldo said the review would likely intersect with the Council's work in major areas. He also pointed out that there is "process fatigue" in the basin, which could be a factor in the success of the effort.

11. Presentation by Confederated Tribes of the Grand Ronde Community of Oregon:

Cheryle Kennedy, Grand Ronde Tribe.

Tribal chair Cheryle Kennedy of the Confederated Tribes of the Grand Ronde Community of Oregon made a presentation on the history and cultural identity of the Indian people who today make up the Grand Ronde. Numerous bands and tribes in the Willamette Valley and Southern Oregon ceded lands to the federal government in the 1850s, she said. There were many hardships as people who did not share a common language or culture were banded together on reservations, Kennedy explained. The Grand Ronde's tribal status was terminated in 1954 but reinstated in 1983, she said. The decades of termination were a dark period for the Grand Ronde, Kennedy acknowledged.

"The Grand Ronde is *the* Treaty tribe of the Willamette Valley," she stated. Power projects developed in the Willamette and Grand Ronde watersheds have affected us, and we want to be involved in these issues, Kennedy stated. She said the tribe has been involved in environmental restoration and watershed cleanup. "It is with shame" that we see how polluted the Willamette River is, and we need to clean it up, Kennedy said.

She went on to describe the tribes' involvement in land management and stewardship of resources. The Grand Ronde tribes have about 5,000 members and more are moving back to Oregon, Kennedy said. Our goal is to have our members come back to the Grand Ronde area, she summed up.

12. Status report on Power Function Review:

Mark Walker, director, public affairs division; Doug Marker; and Sharon Ossmann, administrative officer.

Staffer Mark Walker said BPA is continuing with the second phase of its Power Function Review (PFR) as a lead-up to setting program budgets in the rate case. There were about \$27 million in increased costs and about the same amount of reduced spending identified in the PFR, so it's been "a wash" in terms of changing program budgets, he indicated. The Council's budget has come up for discussion in the PFR, and staffer Sharon Ossmann said at issue is whether the Council budget exceeds its statutory cap. We seem to have resolved the issue, she confirmed.

Walker noted that during a PFR technical session on F&W funding, he answered general questions about the project selection process and schedule. As for the Corps' proposed flood control study, I clarified it would not be one of the things we consider for funding, but instead is part of the System Configuration Team's prioritization, he wrapped up.

13. Briefing on the 25th Anniversary Celebration of the Northwest Power Act:

Steve Wright, administrator, Bonneville Power Administration; and Tom Karier, Council Chair.

Karier welcomed BPA Administrator Steve Wright, who joined the Council in kicking off a year-long celebration of the 25th anniversary of the Northwest Power Act. This Act "changed the world," Wright said, noting that it legitimized the concept of considering conservation, like generation, as a resource. BPA and the Council led the way, and the Northwest became a world leader in conservation, he stated. Our region is better off today, with 3,000 MW of conservation captured since the Act was passed, Wright said.

The Act also led to investment in F&W, and today we see more fish in the river as a result, he stated. It's worthwhile to pause and look at the problems that have been avoided, to celebrate what has happened in the last 25 years, and to take stock of the lessons learned, Wright said. Our electricity bills are lower and our rivers are cleaner because of the Act, he stated.

The Council can take pride in these accomplishments and in being an intellectual leader in the region, Wright continued. The region is better off today because of the Council, he said. In addition to looking back, I would challenge you to look forward and consider where we want the region to be in another 25 years, Wright wrapped up.

Karier described various activities that will take place to celebrate the anniversary of the Act, including the recognition of people in the region who have been leaders in its implementation. We are also preparing a commemorative book, as well as a video on the evolution of the Northwest power system, he said.

14. Update on governance of non-routine analytical functions of the Fish

Passage Center:

Doug Marker.

Marker updated the Council on continuing discussions about an oversight board for the non-routine analytical functions that Battelle will be taking over from the Fish Passage Center (FPC). Last month we got advice from the Council, and we have initiated a couple of actions, he reported. The general scope of the group would include prioritizing assignments and reviewing Battelle's decisions about taking on analyses, Marker said.

Who could request analyses? Dukes asked. Anyone could; it's wide open, Marker responded. Aren't the requests largely from fish managers? Eden asked. Yes, Marker responded. Of about 50 requests last year, only a handful came from someone other than a fish manager, he said.

Maslen reported that contracts have already been signed with the entities that are taking over FPC functions. These are in place, and Battelle had a pre-award to get contract work under way, he added. Karier pointed out that the Council hasn't yet discussed how it will be represented on the oversight board.

15. Briefing by the Confederated Tribes of the Colville Reservation:

Joe Peone, fish and wildlife director, Colville Confederated Tribes.

– First Salmon Ceremony 2005, and

Joe Peone of the Colville Confederated Tribes and consultants on the tribes' Chief Joseph Hatchery Program presented an overview of plans to increase the abundance and productivity of chinook salmon in the Okanogan River and in the Columbia River above Wells Dam. Peone reported that the Colville were able to harvest a salmon from Omak Creek on June 2, 2005 and hold a "First Salmon" ceremony, something that had not happened in 60 years. This project demonstrates that we can get fish back to this part of the basin, he stated.

– Chief Joseph Hatchery Program - Step 2 Fiscal Year 2005 Progress Report

Consultant Steve Smith went over the chronology of the Chief Joseph hatchery program. He noted that the Council approved the master plan in March 2005 and that the Colvilles submitted a funding proposal for 2007-2009. The program goal is to achieve an integrated recovery program and support an isolated harvest, Smith said.

Consultant John McGlenn of Tetra Tech described the design engineering work that has gone into the hatchery. He pointed out that one reason for siting the hatchery near Wells Dam is the availability of multiple water sources, including the reservoir and a nearby well field.

Smith said the tribe is looking for partners to share in the \$23 million price tag for the project. Potential partners include other tribes, irrigation districts, the Columbia River Inter-Tribal Fish Commission, Washington Department of Fish and Wildlife, and the Mid-Columbia PUDs, he added.

16. Review of Fish and Wildlife Division workplan:

Doug Marker.

Karier said he recommends the staff's draft RME plan go back for more work before it is released for comment. I have concerns and interests with regard to RME, he said. First, we need to know how much we are spending – it's possible we are spending a large piece of our budget on RME, Karier said. We have heard about sizeable implications for the budget that could result from the remand BiOp, he said, adding that other proposals are likely to put pressure on RME funds. In advance of our project selection in October, we need to get a handle on this, Karier stated.

If we have an RME plan, it will show us where the priorities lie, he continued. We will be able to tell if some of the RME that is being done is of moderate or low priority, and we will be able to identify gaps that need to be filled, Karier said. This requires that we take a harder look at individual projects and see what is included for RME, he indicated.

This is a recurring issue, Danielson stated. She suggested asking for ISRP advice on what is adequate monitoring. The ISRP suggested linking more of the M&E to regional needs, and the ISRP also evaluates the monitoring proposed for individual projects, Marker responded. They weigh in when they think the proposed monitoring is too expensive, he said. Each project has a monitoring component, and using the database, we can look at the costs in each project, Marker said.

I thought we decided that BPA's 75-25-5 percentages are arbitrary, Eden stated. I also think it is our job, not the ISRP's, to fit the projects to the budget, she said. We should take a hard look at the M&E in the projects and see if we have a problem, Eden suggested. Today, we have 542 project proposals, and we can't ask the sponsors to fit their M&E to a plan that doesn't exist, she pointed out.

The content of the M&E is more important than the dollar amount, staffer Steve Waste offered. There has been an expansion of M&E spending, but M&E should function as part of a feedback loop, he said.

How do we know the value of the current M&E projects? Karier asked. Can we get this information in the existing timeframe? he asked. If we are going to take charge of our own program, we have to get a handle on this, Kempton stated.

Marker pointed out that a staff-prepared matrix provides a comprehensive list of M&E questions. What are our priorities for M&E? Dukes asked. I'd like the ISRP to address that questions, she said.

The ISRP's retrospective report coached us on RME, Marker pointed out. There are guidance recommendations in the retrospective report, Waste agreed. We have a lot of experience on the ground in all of the Hs, and the states of Oregon and Washington are using high-level indicators for M&E, he said. We should be able to do this, Waste added.

The ISRP is doing its job by recommending more M&E, Danielson commented. It is up to us as policymakers to decide whether to recommend funding and whether it is doable, she added.

Karier said the RME work plan and guidance need to go back through the committee. We need to be on a fast track with this – it should be on the meeting agenda for every meeting until it is resolved, he said.

17. Approval for release for comment of draft Monitoring and Evaluation

Guidance document:

Doug Marker; Steve Waste.

No discussion of this agenda item.

18. Council business:

– Adoption of minutes

Dukes made a motion that the Council approve for the signature of the Vice-chair the minutes for the February 21-22, 2006 Council meeting held in Portland, Oregon. Cassidy seconded the motion, which passed seven to zero, with Whiting absent.

The meeting adjourned at 4 p.m.

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