

Tom Karier
Chair
Washington

Frank L. Cassidy Jr.
"Larry"
Washington

Jim Kempton
Idaho

W. Bill Booth
Idaho



Joan M. Dukes
Vice-Chair
Oregon

Melinda S. Eden
Oregon

Bruce A. Measure
Montana

Rhonda Whiting
Montana

Council Meeting Libby, MT April 17-18, 2007

Minutes

Welcome by Earl Messick, President of the Board of Trustees of Flathead Electric Cooperative.

Earl Messick, president of the board of Flathead Electric Cooperative, welcomed the Council to Libby. He pointed out that Flathead Electric is committed to bringing renewable resources into its portfolio and currently purchases 2 megawatts (MW) of environmentally friendly power from Bonneville. Flathead Electric places an emphasis on conservation in its service territory and is hiring a full-time energy services director to assist in that effort, he said. We hope to become a leader in Montana for conservation and renewable energy, Messick wrapped up.

Reports from Fish and Wildlife, Power and Public Affairs committee chair:

Rhonda Whiting chair, fish and wildlife committee; Jim Kempton, chair, power committee; and Larry Cassidy, chair, public affairs committee.

Power Committee chair Jim Kempton said representatives from the four Northwest states offered the committee a briefing on legislative activities. The committee also had an update on the Power Division's work plan and on the progress being made to revise forecasting models used in analyses for the Power Plan.

Staffer Jeff King reported on results of an analysis of regional CO₂ emissions, he continued. With regard to our discussion of resource adequacy, the Council's current analysis assumes the availability of generation from independent power producers in the region, Kempton said. There is some concern about whether that power will be available if and when we need it, he said. The Committee also discussed Section 6(c) of the Northwest Power Act, which calls for the Council to review any Bonneville resource acquisition of 50 MW or greater, Kempton said. Bonneville and the Council are working on an approach to the 6(c) review for the agency's upcoming acquisitions of wind power, he said.

Rhonda Whiting, chair of the Fish and Wildlife Committee, went over the committee's progress on a long list of agenda items. She reported that there are now five contracts in place for fish and wildlife coordination activities in the region and that Bonneville is working on a final contract with the Spokane Tribe. Whiting previewed a decision item on the Council's agenda related to a

pump screen project and noted that staffer Peter Paquet updated the committee on a comprehensive strategy for data management. We had an update on the process that is taking shape and on plans for the science policy conference, she said.

Whiting reported on a presentation by a group from various interested parties that formed to discuss the biological objectives for the Council's fish and wildlife program. She also said that the committee discussed Bonneville's 2007-2009 fish and wildlife project-funding decisions and that staff has put together a response, which the Council will review later in the meeting. We also went over the within-year funding adjustments and the updated fish and wildlife division work plan, Whiting said. A handbook on monitoring and evaluation (M&E) protocols is available for Council review.

Kempton asked about the biological objectives in the current fish and wildlife program. Paquet said there are high-level objectives for the entire basin and more specific objectives in the subbasin plans that were adopted into the program. Kempton pointed out that the biological characteristics in Appendix D of the program were never adopted by the Council. Staffer John Shurts said the 2000 F&W program has quantitative and qualitative biological objectives, as do the mainstem amendments. Council chair Tom Karier asked staff to prepare a summary on this issue.

1. Council decision on schedule and process for the amendments of the Fish and Wildlife Program:

Lynn Palensky, program planning and special projects coordinator; Peter Paquet, acting director, fish and wildlife division.

Staffer Lynn Palensky laid out a proposed schedule for amending the Council's fish and wildlife program, and noted the relationship between amending the program and updating the Power Plan. The Northwest Power Act calls for the Council to review the Power Plan every five years and to amend the fish and wildlife program before reviewing the plan.

We are preparing for the call for recommendations in October, Palensky said. She explained that the Council could ask for proposals in specific areas of the program, but under any circumstances, there are likely to be a lot of general recommendations and comment.

Dukes made a motion that the Council approve the schedule and process for amending the Fish and Wildlife Program outlined by staff and recommended by the Fish and Wildlife Committee. Larry Cassidy seconded the motion, which passed unanimously.

2. Council decision on response to Bonneville FY 2007-09 fish and wildlife funding decision:

Patty O'Toole, manager, program implementation; Peter Paquet, acting director, fish and wildlife division; John Shurts, general counsel.

Staffer Patty O'Toole presented a draft letter to Bonneville following up on a March 19 staff letter that requested clarification about why Bonneville deviated from the Council's recommendations in its FY 2007-2009 F&W project funding decisions.

The draft letter cites continuing concerns about Bonneville's in-lieu policy, project reporting requirements, and the nexus between the Council's fish and wildlife program and FCRPS responsibilities for funding. It expresses the Council's desire to re-establish a strong working relationship with Bonneville to resolve outstanding issues.

Dukes made a motion that the Council approve for the signature of the Chair the letter presented by the staff responding to Bonneville's FY 2007-2009 Fish and Wildlife funding decision, as recommended by the Fish and Wildlife Committee with changes approved by the Members at today's meeting. Kempton seconded the motion, which passed unanimously.

3. Council decision on follow-up actions for FY 2007-09 projects:

Mark Fritsch, manager, project implementation.

– Cascade/pumps

The Council recommended funding for a Washington Department of Fish and Wildlife pump screen inventory, assessment, and monitoring-effectiveness project in the Columbia Cascade province. The project, which has undergone some back-and-forth with the ISRP, has a budget of \$308,000 per year for three years. Cassidy made a motion that the Council recommend that Bonneville fund those work elements necessary for the Washington Department of Fish and Wildlife to develop an inventory, assessment, and monitoring-effectiveness program for the Columbia Cascade Pump Screen Correction Project, Proposal 2007-034-00, subject to the conditions outlined by the staff and as recommended by the Fish and Wildlife Committee. Whiting seconded the motion, which passed unanimously.

4. Council decision on composition of the Fish Passage Center Oversight Board:

John Shurts, general counsel; Jim Ruff, manager, mainstem passage and river operations.

Staffer John Shurts refreshed the Council on the background leading up to the pending decision on reconstituting the Fish Passage Center (FPC) Oversight Board. Last month in Boise, we released a proposal for public review and asked for comment by April 6, he said. We received more than a dozen comments before the deadline, and we recently received comments from the Columbia Basin Fish and Wildlife Authority (CBFWA) and a letter from Montana's governor, Shurts reported. None of the earlier comments supports the Council's proposal, and many take aim at the lack of public members, he added. Shurts also said commenters want the Council to delay a decision and spend more time talking directly with those who are interested in the outcome.

Larry Peterman of the Montana Department of Fish, Wildlife and Parks presented highlights of the CBFWA comments on the Oversight Board proposal. He said CBFWA recommends funding for the Fish Passage Technical Services project proposal. current staff to include expertise in resident fish and reservoir operations, Peterman explained. He also said a representative from the U.S. Fish and Wildlife Service should be added to the Oversight Board. CBFWA's comments express support for having public members on the board.

Measure made a motion, seconded by Rhonda Whiting, that the Council adopt the following membership categories for the FPC Oversight Board:

- One Council member or Council representative, who will be the chair
- One member representing the upper Columbia River Basin tribes
- One member representing the lower Columbia River Basin tribes
- Two members representing the state F&W agencies, one from the upper Columbia River Basin (Idaho/Montana) and one from the lower Columbia River Basin (Oregon/Washington), and
- Two members from the scientific community.

The motion also authorized the Council's executive director to seek nominations to the board.

The actual motion was as follows: I move that the Council adopt the membership categories, as amended, for the Fish Passage Center Oversight Board set out in the March 15, 2007, draft proposal as presented by staff and authorize the Executive Director to send the letter requesting nominations to the board, with the deletion of a member representing NOAA Fisheries.

Joan Dukes questioned why there was no category for public members and said she is strongly concerned about eliminating the NOAA Fisheries member. Measure responded that the Oversight Board is not a policy body, but has a role in overseeing management of the FPC. Council chair Tom Karier said the designations don't preclude NOAA representation, but do not require it. Bill Booth said he was also concerned about leaving NOAA out and would like to see the agency named.

Jim Kempton pointed out that deletion of NOAA Fisheries from the categories came about because that agency indicated it did not want to be designated. I support the motion, he added.

I subscribe to the comments in the CBFWA letter, Melinda Eden stated. She said her view of the Oversight Board was that it should not be a group of scientists. The board is being set up [in this proposal] to come up with different science from the FPC peer reviewers, Eden suggested. I would vote in favor of a motion that reflects the CBFWA comments, Eden added.

Measure withdrew his motion and offered a restated motion. He moved that the Council adopt the membership categories for the Fish Passage Center Oversight Board set out in the March 15, 2007, draft proposal as presented by staff and authorize the Executive Director to send the letter requesting nominations to the board, as follows: one Council member or Council representative, who will be the chair; one member representing the upper Columbia River Basin tribes; one member representing the lower Columbia River Basin tribes; two members representing the state fish and wildlife agencies, one from the upper Columbia River Basin (Idaho/Montana) and one from the lower Columbia River Basin (Oregon/Washington); and two members from the scientific community, one of which shall be a member from NOAA Fisheries. Whiting seconded the restated motion.

Eden asked for a roll-call vote on the motion, which passed six to two, with both Oregon members voting no.

The Council is interested in appointing people with a scientific background related to FPC functions, Kempton said. The nominees will be evaluated on that basis, he added.

5. Council decision on submitting M&E standard protocols for ISAB review:

Peter Paquet, acting director, fish and wildlife division; Steve Waste, Manager for program analysis and evaluation.

Keith Wolf, a member of the Pacific Northwest Aquatic Monitoring Partnership (PNAMP) steering committee, outlined the contents of *The Salmonid Field Protocols Handbook*. The 489-page book is the result of collaboration among an international group of scientists, and the work is broadly applicable across the Pacific Rim, he said. Waste pointed out that material in the book was drawn from a review of over 375 sources, and that the authors boiled the information down to 13 principal and five supplemental techniques. The standardized methods for collecting salmonid data detailed in the volume represent an opportunity to link independent efforts and improve quality and consistency of data gathered during field work, according to a book synopsis.

David Johnson, lead author of the handbook, explained that the material was derived from a large number of documents and that the effort involved over 150 people.

Dukes made a motion that the Council ask the Independent Scientific Advisory Board and Independent Scientific Review Panel to determine whether the Salmonid Field Protocols Handbook furthers the Fish and Wildlife Program's goal of developing an effective regional monitoring and evaluation plan by establishing standard protocols for collecting salmonid population and habitat data, as presented by the staff and recommended by the Fish and Wildlife Committee. Cassidy seconded the motion, which passed unanimously.

6. Presentation on managing multiple priorities for Libby Dam Operations:

Brian Marotz, Montana Department of Fish, Wildlife, and Parks.

Brian Marotz of the Montana Department of Fish, Wildlife and Parks explained the "tiered discharge approach" being implemented at Libby Dam to accommodate both spawning for endangered Kootenai white sturgeon and a major spring flood control operation.

7. Update on April runoff forecast and power supply assessment:

Jim Ruff, manager, mainstem passage and river operations; and John Fazio, senior power systems analyst.

Staffer Jim Ruff said the final runoff forecast for the Columbia River Basin, released April 6, shows that most parts of the basin lost snowpack from March 1 to April 1, some by as much as 20 percent. The notable exception is the upper basin, where the inflows into Grand Coulee and Libby remain unchanged at over 100 percent of average, he said.

According to a graph of the normal peak snowpack, 2007 was tracking at about average early in the year, but totals began to drop shortly after the beginning of March. Ruff pointed out the wide contrast between water supply conditions in the upper Columbia basin and those in the Snake River Basin, where snowpack fell sharply from February to April, and some drainages are as low as 32 percent of average.

The January through July runoff forecast, a slightly different time period than the water supply forecasts Ruff presented, is for 100 MAF or 93 percent of average at The Dalles, staffer John

Fazio reported. Using the recently adopted adequacy standard, we do not anticipate any problems with power supply this season, Fazio reported.

In terms of meeting the flow targets in the Biological Opinion (BiOp), we have a better than 50-50 chance of reaching the spring targets on the Snake, measured at Lower Granite, he continued. It is less likely we'll meet the summer target, which is not unusual, Fazio said. We rarely get to the minimum summer flow targets, especially in August, he stated.

8. Council Business:

– Council decision to release Council's draft budget for public comment

The Council voted unanimously to release its draft FY 2009 budget and FY 2008 revised budget for public comment. According to staffer Sharon Ossmann, the 2008 revised budget is \$9,276,000, the 2009 draft budget is \$9,467,000, and both reflect the current level of Council staffing. Dukes made a motion that the Council release for public comment the draft FY 2009 Budget and the FY 2008 Revised Budget, as presented by the staff. Bill Booth seconded the motion, which passed unanimously.

– Approval of Wind Integration Forum charter

Dukes made a motion that the Council approve the creation and the charter of the Northwest Wind Integration Forum and appoint members of the Forum Steering Committee, as presented by staff. Kempton seconded the motion, which passed unanimously. The forum was one of the key recommendations that came from the recently completed Wind Integration Action Plan, according to staffer Terry Morlan.

– Approval of long term forecasting model contract

Dukes made a motion that the Council authorize the Executive Director to negotiate a contract with Systematic Solutions, Inc. in an amount not to exceed \$55,200 to enhance the Energy 2020 model, which will be used for the Council's new Demand forecasting System. Eden seconded the motion, which passed unanimously.

– Briefing on Latent Mortality Report

Ruff and staffer Steve Waste previewed the Independent Scientific Advisory Board's (ISAB) report on latent mortality. Latent mortality refers to the delayed effect on juvenile salmonid migrants of their downstream migration experience, Ruff explained. He told the Council that representatives of the ISAB would appear at the May meeting to give a full briefing on their report.

The ISAB reviewed eight competing hypotheses on latent mortality, Waste said. He noted that the Columbia River Inter-Tribal Fish Commission (CRITFC) asked the ISAB to assign weights to the various hypotheses, but the ISAB declined to do so.

Ruff went over several ISAB recommendations, including one that suggests all of the data from various studies be merged into a single analytical model. The ISAB believes this would provide the most rigorous scientific approach, he indicated. The ISAB also said there is considerable uncertainty about delayed mortality because of variations in ocean, climate, and plume conditions, Ruff said. The ISAB made recommendations about future monitoring, research, and

evaluation to get at better estimates of in-river survival and mortality below Bonneville Dam before fish enter the ocean, he reported.

– **Update on the Endangered Salmon Predation Prevention Act**

Staffer Mark Walker gave the Council an update on a bill introduced into Congress by Washington Representatives Brian Baird and Doc Hastings. The bill would expedite Department of Commerce permits for the lethal removal of sea lions that are eating salmon in the Columbia River, he explained. Under the bill, the Secretary of Commerce would make a determination within 90 days on whether legal take is necessary, and if the determination is yes, eligible entities could apply for permits and get approval within 30 days, Walker said. This would streamline the process for lethal removal, he added.

The “big problem” with the bill is that it waives the National Environmental Policy Act (NEPA), which is “a hot-button issue” in Washington, D.C., Walker continued. The bill has been introduced in the House, but not in the Senate, he said, adding that he got a “negative response” when he checked on the idea with sources in the Senate. I don’t think the bill is going anywhere soon, Walker stated. He added that the Council could consider whether it wants to go on record in support of expediting the lethal-take process.

Jaime Pinkham of CRITFC told the Council that the salmon count at Bonneville Dam is running at about 200 a day right now, but 25 to 30 sea lions are hanging out and taking 60 to 70 salmon daily. We passed a letter in 2001 saying that we strongly advocate all means, including lethal, to remove sea lions that are feeding on salmon in the river, Cassidy said. He suggested the Council could reaffirm its support for the letter.

– **Approval of minutes**

Dukes made a motion that the Council approve for the signature of the Vice-Chair the minutes for the March 13-14 Council meeting held in Boise, Idaho. Cassidy seconded the motion, which passed unanimously.

The Council meeting adjourned at 12:15 p.m.

Approved May 12, 2007

/s/ Joan Dukes

Vice-Chair

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