

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 Spokane, WA**

**August 14-15, 2007**

### **Minutes**

Tom Karier called the meeting to order at 1:35 pm on August 14 and adjourned it at 3:00 pm on August 15. All members were present.

Joan Dukes moved that the Council meet in executive session on August 15 to discuss participation in civil litigation. Larry Cassidy seconded, and the motion passed unanimously on a roll-call vote.

Dukes moved that the Council add to the agenda of the meeting: 1) a discussion of a within-year funding request for Project 2007-402-00, Snake River Sockeye Salmon Captive Propagation; and 2) a discussion of a within-year funding request for Project 1996-067-00, Manchester Spring Chinook Captive Broodstock; find that Council business requires this discussion; and find that no earlier notice was possible. Cassidy seconded, and the motion passed unanimously on a roll-call vote.

### **Reports from Fish and Wildlife, Power and Public Affairs committee chairs:**

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

Jim Kempton reported the Power Committee decided to take up the CO<sub>2</sub> Footprint paper and at the next meeting. We also talked about the Regional Dialogue policy, and staff reported that its analysis of utility Integrated Resource Plans shows they are pretty consistent with the Council's plan, he said. Kootenai Electric gave a presentation on its demand management program, Kempton noted, and the Committee also discussed the achievable conservation savings paper and the fuel price forecast.

Rhonda Whiting reported that the Fish and Wildlife Committee discussed FY 2007-2009 actions and received an update on the Snake River fall chinook transportation evaluation. We talked about fish and wildlife program amendment preparations, including the upcoming science conference, and discussed a report from the Columbia Basin Fish and Wildlife Authority, she said. The Committee also discussed regional coordination actions, including funding; alternative approaches for innovative fish and wildlife projects; within-year project funding adjustments; and a conceptual design for the next project review process.

## **1. Report on Regional Dialogue policy and Residential Exchange Program:**

Mark Gendron, Bonneville Power Administration.

Mark Gendron of Bonneville explained the key components of the Long-term Regional Dialogue Policy and Record of Decision, released July 19, and said the agency is ready to move into the implementation phase. The policy is all about how we sell wholesale power after 2011 and distribute the benefits of the federal system, he said.

### The Issues Ahead

Gendron said Bonneville's previous plan to resolve residential exchange issues was derailed by the Ninth Circuit Court ruling.

## **2. Council decision for 3<sup>rd</sup> Quarterly Review - Within-year Project Funding Adjustments:**

Mark Fritsch, manager, project implementation.

Staffer Mark Fritsch presented two requests from the Budget Oversight Group for within-year project funding adjustments. The first was to enable renovations at the Eagle Fish Hatchery, which is part of the Snake River Sockeye Salmon Captive Propagation project. Dukes moved that the Council recommend that Bonneville fund, in an amount not to exceed \$640,844, the within-year funding request for Project 2007-402-00, Snake River Sockeye Salmon Captive Propagation. Bill Booth seconded, and the motion passed.

Fritsch explained that the second request is for emergency repair of a building for the Manchester Spring Chinook Captive Broodstock project. Dukes moved that the Council recommend that Bonneville fund, in an initial amount not to exceed \$50,000, the within-year funding request for Project 1996-067-00, Manchester Spring Chinook Captive Broodstock. Cassidy seconded, and the motion passed.

Fritsch then presented a request for within-year funding adjustments for seven other F&W projects. Dukes moved that the Council recommend that Bonneville fund, from the fiscal year 2007 budget, seven within-year project funding requests, as defined and conditioned by staff, in an amount not to exceed \$566,485. Cassidy seconded, and the motion passed.

## **3. Presentation on Lower Columbia River Estuary Partnership Ecosystem Monitoring - Water Quality and Salmon Sampling Report:**

Debrah Marriott and Jill Leary, LCREP.

Debrah Marriott, executive director, and Jill Leary, Technical Projects Coordinator, for the Lower Columbia River Estuary Partnership (LCREP) presented the findings from LCREP's water quality and salmon sampling studies in the Lower Columbia River. Marriott explained LCREP's origin and the results of the monitoring work they've done with Council support. We work to protect the ecosystem and species, reduce toxic and conventional pollution, and provide information about the river to a range of audiences, she said. We are asking Congress to invest \$2.3 million in a long-term monitoring effort in the Lower Columbia, Marriott added.

#### **4. Update on Environmental Protection Agency's national commitment to the Columbia River Basin:**

Elin Miller, regional administrator, EPA.

Elin Miller, Regional Administrator for the Environmental Protection Agency (EPA), gave a presentation on EPA's commitment to the Columbia River Basin and the agency's 2007-2011 priorities. She invited the Council to partner with the EPA in the commitment to restore the Columbia River ecosystem.

She noted that EPA has named the Columbia River as a priority in its national strategic plan. EPA's strategic targets, Miller said, are to: protect, enhance, or restore 16,000 acres of habitat in the Lower Columbia River watershed; clean up 150 acres of contaminated sediments; and demonstrate a 10 percent reduction in the concentration of contaminants of concern in water and fish tissue.

EPA's "State of the River" report for the Columbia will be completed by late 2008, she noted. It will tell the story of the Columbia River ecosystem and its toxics problems and outline potential solutions, Miller said.

#### **5. Update on adult fish runs:**

Cindy LeFleur, Washington Department of Fish and Wildlife.

Cindy LeFleur of the Washington Dept. of Fish and Wildlife (WDFW) presented an in-season update on adult fish runs, pointing out that the upriver spring chinook forecast was for 78,500, and the actual return was about 85,000 fish. From January through June 16, 80,800 adults passed Bonneville Dam, and of those, there were 20,200 jacks, compared to the five-year average of 9,400 jacks, she said. The fisheries came out this way, according to LeFleur: Lower Columbia recreational harvest, 6,500 fish; commercial, 2,900; and Treaty, 5,700, for ceremonial and subsistence purposes.

The summer chinook preseason prediction was 45,600, and the in-season actual has been 37,300, she reported. Priest Rapids achieved its escapement goal of 20,000, with an actual escapement of 25,100 fish, LeFleur said. We had limited fisheries in the lower river, with a recreational harvest of 2,200, commercial harvest of 1,000, and a Treaty harvest of 5,000, mostly commercial, she noted.

LeFleur said the sockeye summer season forecast was 27,600, with an actual of about 25,000 fish. We predicted a poor run, and it came in that way, she commented. The escapement goal at Priest Rapids wasn't met, and there was a limited harvest, only 1,200 by the Treaty fisheries, according to LeFleur. For Bonneville Dam passage of upriver summer steelhead, the prediction for Skamania stock was 16,700 fish (4,400 wild), and the actual from April through June was 9,500 (2,000 wild), she said.

Our fall season forecast calls for 347,500 total fall chinook returns to the Columbia River, compared to last year's run of 422,400 fish, LeFleur continued. We predict a strong return of Upriver Brights of 185,200, 75 percent of the 10-year average, and a poor return of Bonneville Pool Hatchery fish of 21,300, just 25 percent of the 10-year average, she said.

Sport and commercial fall fisheries will be greatly reduced this year due to ESA restrictions, LeFleur pointed out. Treaty Indian fisheries should be similar to recent years, she added.

**6. Public comment on revised fuel price forecasts (Council document #2007-10).**

No Comments were provided.

**Open public comment on any subject before the Council.**

No Comments were provided.

**7. Council decision on follow-up Fiscal Year 2007-2009 actions:**

Mark Fritsch, manager, project implementation.

**– Project 1991-019-01, Hungry Horse Mitigation/Flathead Lake**

Fritsch reported on a recent Independent Scientific Review Panel (ISRP) review of the Hungry Horse Mitigation/Flathead Lake project and said, as a result of that review, staff recommends not funding certain parts of the project. Dukes moved that the Council remove from the Hungry Horse Mitigation/Flathead Lake Project, Project 1991-019-01, the two work elements identified by staff that did not meet scientific review criteria. Cassidy seconded the motion. Eden proposed amending the motion to add the words "and reduce the project budget accordingly." Cassidy seconded, and the amendment passed. The Council then approved the original motion, as amended.

**– Update on Lake Roosevelt Kokanee program review**

Fritsch gave the Council an update on the ISRP's review of five projects that make up the Lake Roosevelt Kokanee Program, noting some of the ISRP's concerns about continuing kokanee propagation in the lake. The sponsors are discussing the ISRP's review, and staff hopes to bring a resolution of these issues to the Council in October, he said.

**8. Panel on Fish and Wildlife program amendment process:**

Columbia River Inter-Tribal Fish Commission and member tribes (Nez Perce Tribe, Umatilla Tribe, Warm Springs Tribe and Yakama Tribe).

Gary Greene of the Nez Perce Tribal Executive Committee, speaking on behalf of the Columbia River Inter-Tribal Fish Commission (CRITFC), said the federal government recognizes CRITFC as an arm of tribal government exercising the sovereign powers of its member tribes, the Nez Perce, Umatilla, Warm Springs, and Yakama. The Council's fish and wildlife program is required by the Northwest Power Act to "complement the existing and future activities of the federal and the region's state fish and wildlife agencies and appropriate Indian tribes," he stated. As part of those "existing and future activities," CRITFC and its member tribes are engaged in recovery and restoration projects throughout the salmon-accessible areas of the Columbia Basin above Bonneville Dam, Greene said.

CRITFC and its member tribes will respond to the Council's request for recommendations with "measures and objectives that reflect our plans and programs," and the Council needs to ensure its process is congruent with the Biological Opinion (BiOp) negotiation process, he stated. Greene said it would be consistent with past Council action to have a BiOp baseline to use as the foundation for recommendations, and to do otherwise would "appear to violate the requirement that the Council's program complement the existing and future activities of the F&W agencies and tribes."

Jay Minthorn of the Umatilla Tribes told the Council "we have to learn to work together on common issues." He described the Umatilla Basin salmon recovery project which brought spring chinook back to the Umatilla River after they were gone for 70 years. Minthorn congratulated the Council on scheduling the tribal panels. "I've never seen an agenda with you talking to so many tribes," he said.

## **9. Panel on Fish and Wildlife program amendment process:**

Upper Columbia United Tribes and member tribes (Colville Confederated Tribe, Spokane Tribe, Kalispel Tribe, Kootenai Tribe, and Coeur d'Alene Tribe).

We have not taken an official position on anything associated with the fish and wildlife amendment process yet, said Mary Verner, executive director of the Upper Columbia United Tribes (UCUTs). But, she said, among the things the UCUTs want to see with respect to the amendments are clarity in biological objectives, disclosure of cost shares, and "an equitable and sensible funding strategy for the region as a whole."

She recommended that the project solicitation process be revised so there is an appropriate level of scientific review and streamlined so projects can be funded over a longer period of time. Hatchery operations and maintenance (O&M), for example, is not suited for an annual review, Verner said.

Joe Peone of the Colville Tribes said the BiOp remand is important to the Colvilles. We are concerned about coordination between the Council and Bonneville on the BiOp, he stated. We fear we could be going off in two directions because the Colvilles and UCUTS' relationship with the Council is important, as is our relationship with Bonneville, according to Peone. We hope you will start working on coordination with Bonneville soon, he added.

Rick Sherwood, chair of the Spokane Tribe, said the UCUTs and tribal staff are "working hard to define what we want to see as an amendment package." Today's panel isn't to be considered consultation at a policy level, he told the Council.

## **10. Panel on Fish and Wildlife program amendment process:**

Upper Snake River Tribes (Shoshone-Bannock Tribe, Shoshone-Paiute Tribe, and Burns-Paiute Tribe).

Kyle Prior, chair of the Shoshone-Paiute Tribes, said while "we don't view this as a consultation between the Council and the Upper Snake River Tribes, and we want the record to reflect that, we welcome this opportunity for coordination." He stated that the Upper Snake River Tribes' Compact, created in March, is "not evidence of the splintering of the Columbia Basin Fish and Wildlife Authority (CBFWA)," but instead that the Compact would strengthen CBFWA.

The Compact is the most efficient way for the Upper Snake River Tribes to complement the good work CBFWA has already done on issues like defining Bonneville's obligation for mitigation, in-lieu issues, and inadequate funding levels, according to Prior. We are asking for immediate funding for the proposal the Compact recently submitted so we can engage in the Council's fish and wildlife amendment process, he said.

Tim Dykstra, staff to the Shoshone-Paiute Tribes, said the Upper Snake Tribes want to return equity and balance in fish and wildlife funding in the region.

Nathan Small of the Shoshone-Bannock Tribes said other tribes had spoken of how fish populations were decimated by dams and how they had worked with the Council to get fish back. That's proof these projects can succeed if we work together, he said. The Upper Snake had anadromous fish for centuries, but they are gone now because of dams, Small stated.

## **11. Panel on Fish and Wildlife program amendment process:**

Columbia Basin Fish and Wildlife Authority.

Larry Peterman of the Montana Dept. of Fish, Wildlife and Parks, and vice-chair of CBFWA, outlined problems with the current fish and wildlife program amendment process, including that regional goals are not linked to subbasin plan goals, recovery goals are not developed, and both management coordination and Bonneville's obligations are undefined. In addition, he said the current program suffers from inadequate funding and prioritization, a non-explicit coordination strategy, and a confusing, complicated decision-making process.

Peterman presented CBFWA's vision for a new fish and wildlife program in which regional goals would be linked to subbasin and recovery goals, Bonneville's obligations would be defined, and there would be a defined role for fish and wildlife agencies and tribes. Fish and wildlife priorities would be addressed, there would be adequate funding, a regional commitment to mitigation, and an explicit coordination strategy, he said.

## **12. Update on Chief Joseph Hatchery (Step 2):**

Joe Peone, Confederated Tribes of the Colville Reservation.

Joe Peone of the Colville Tribes gave an overview of the Chief Joseph Hatchery program's Step 2 submittal under the Council's three-step review process. PUD participants on the panel,

including Shaun Seaman of Chelan PUD and Tom Dresser and Stephen Brown from Grant PUD, told the Council they are very interested in participating in the hatchery program.

### **13. Report from Columbia River Hatchery Science Review Group on Lower Columbia Hatchery Reviews and Recommendations:**

Peter Paquet, manager, wildlife and resident fish.

Paquet introduced a panel to present findings from a review of chinook hatchery programs in the Lower Columbia River conducted by the Hatchery Scientific Review Group (HSRG), a group established by Congress to further hatchery reform. The foundation of the HSRG's evaluation is that conservation goals need to be met for key natural populations, while at the same time maximizing harvest, consultant Steve Smith explained. We examined hatchery programs to see if we could modify them to achieve those goals, he said.

We found that to achieve the goals, we need to reform harvest too -- it can't be done with hatcheries alone, Smith stated.

### **14. Briefing on follow-up actions from Predator Control Panel discussion:**

Peter Paquet; Jim Ruff, manager, mainstem passage and river operations; and Mark Walker, director, public affairs division.

Staffer Peter Paquet began a panel about regional efforts to deal with salmon predators by reporting on the status of Caspian tern relocation from East Sand Island to other locations in Oregon and California. The Corps, he said, is still seeking authorization to get the relocation under way. There are some issues to be worked out, Paquet noted, such as the need to secure offsite mitigation areas.

He said the population of double-crested cormorants has exploded in the last few years and that the Columbia River estuary now has the largest colony in North America. There are no regional agreements or strategies in place to manage or control this population, and further research is needed to get started on an EIS that would deal with cormorants, Paquet stated.

There are other bird species, such as gulls and mergansers, that are natural predators on salmonids, he continued. As we see success with fish recovery, we create more of a prey base for these birds, which are native to the Northwest, Paquet said. We may need a more coordinated regional strategy to deal with the overall avian predation problem, he added.

Moving on to pinniped predators, staffer Jim Ruff reported on the status of the request Oregon, Washington, and Idaho filed under Section 120 of the Marine Mammal Protection Act to lethally remove individual problem sea lions, if necessary, to protect Endangered Species Act (ESA)-listed salmon. An 18-member Pinniped Task Force has been formed to review the request, and its first meeting will be September 4 in Portland, he said.

The task force will submit a recommendation to NOAA Fisheries on whether to approve or deny the states' application by early November, Ruff noted. Meanwhile, NOAA Fisheries will prepare an Environmental Assessment, which should be done by January, he said.

If NOAA Fisheries approves the states' request, state fish managers could remove some individual sea lions identified as preying on salmon and steelhead below Bonneville Dam, Ruff explained. The actual number removed would depend on various factors, but we were told if the recommendation is made, the number of animals taken would be "in the single digits," he said.

Staffer Mark Walker reported on a hearing the House Subcommittee on Fisheries, Wildlife, and Oceans held August 2 on H.R. 1769, a bill Congressmen Brian Baird and Doc Hastings introduced to amend the Marine Mammal Act to expedite the process for addressing aggressive sea lion predation. He noted the Council sent a letter in support of the bill.

### **15.Presentation on Black Rock Reservoir proposal:**

Sid Morrison, Yakima Basin Storage Alliance.

Former Washington State Congressman Sid Morrison, who chairs the Yakima Basin Storage Alliance, updated the Council on the Black Rock Reservoir Project, a proposed inter-basin transfer of water from the Columbia to the Yakima. We are three-and-a-half years into a feasibility study authorized by Congress, and the study so far shows no fatal flaws, he said. Morrison noted the study's costs will be between \$15 million and \$18 million.

What's your estimate of when construction might start? Booth asked. We could have construction by 2010, with water possibly being available by 2015, Morrison replied.

### **16.Update on Washington Department of Transportation fish passage program:**

Barb Aberle, Washington Department of Transportation.

Barb Aberle of the Washington Dept. of Transportation (WDOT) gave a presentation on the department's fish passage program. We fix elements of the existing highway system to meet environmental requirements that have emerged since highways were built, she said. We try to do "fish-friendly fixes," Aberle added.

WDOT contracted with the Washington Dept. of Fish and Wildlife to inventory culverts, and through that effort, we have inventoried 6,300 miles of highways and 3,142 fish-bearing stream crossings, she said. We have spent \$46 million since 1991, have completed 205 projects, and opened up 480 miles of habitat for fish passage, according to Aberle. The average cost is \$850,000 per culvert, she noted.

We get funding of \$12 million per biennium, Aberle said, but cost increases are a challenge to our efforts, as are design changes and strategic planning. She pointed out WDOT also sponsors research aimed at making more fish-friendly culverts.



## **17. Summary of CO<sub>2</sub> Footprint Paper and approval of release for comment:**

Jeff King, senior resource analyst.

The agenda item was deferred until the September meeting.

## **18. Council business:**

### **– Council approval of achievable energy conservation savings paper.**

Staffer Terry Morlan reported that the Council's draft paper on achievable conservation savings had been sent out for comment, revised in response to some of the comments, and is now ready for final release. Dukes moved that the Council approve the final version of the paper *Achievable Savings: A Retrospective Look at the Council's Conservation Planning Assumptions*. Eden seconded, and the motion passed.

### **– Council approval of draft sixth annual report to the Northwest Governors on expenditures of the Bonneville Power Administration.**

Karier said the Council submits an annual report to the governors on Bonneville expenditures to carry out the F&W program and that the draft for this year has been prepared. Cassidy noted there has been some discussion of how the report treats "foregone revenues" and that he would update Council members by e-mail on the issue. Dukes moved that the Council direct staff to release the *Draft Sixth Annual Report to the Northwest Governors on Expenditures of Bonneville to Implement the Columbia River Basin Fish and Wildlife Program* and give notice of the opportunity for public comment through 5 pm on September 14, 2007. Kempton seconded, and the motion passed.

### **– Council approval of recommendations from the Fish Passage Center Oversight Board regarding By-Laws and membership.**

Bruce Measure, chair of the Fish Passage Center Oversight Board, reported that the board had held its first meeting. The board recommended that Doug Taki, representing the Upper Snake River Tribes, currently an ex-officio member, be made a full member, he said. Measure moved that the Council add a position on the Fish Passage Center Oversight Board for the Upper Snake River Tribes and that it be filled by Doug Taki. Dukes seconded, and the motion passed.

### **– Discussion of ISAB and ISRP appointments and renewals.**

Staffer Tony Grover brought the Council up to date on pending appointments to the Independent Scientific Advisory Board (ISAB) and ISRP. He said two ISAB members, Nancy Huntly and William Percy, are currently up for renewal appointments. Grover said four people are being considered for appointment to open seats on the ISAB: Richard Alldredge, Chris Wood, Dennis Scarnecchia, and LeRoy Poff. He also suggested the Council, in conjunction with NOAA Fisheries and the Columbia River Tribes, may want to send out a solicitation letter to the region aimed at recruiting candidates for future openings on the ISAB and ISRP. "Our pools are getting pretty thin, and we are particularly weak on members with Columbia Basin mainstem/hydro expertise," Grover said.

Staff said a vote on the ISAB members was not required from the Council at this time, and Karier said he would be meeting with NOAA Fisheries and tribal representatives about the appointments.

- **Annual disclosure of members' outside earned income and notice of availability of financial disclosure forms.**

Staffer Bill Hannaford said Council members are required each year to disclose income they earn outside their positions on the Council. Cassidy reported outside income from a consulting contract with a company that he used to own, and Eden reported income from several farming enterprises, Hannaford said.

- **Approval of minutes of July 2006 meeting.**

Dukes moved to approve the minutes for the July 11-12, 2007 Council meeting held in Portland, Oregon. Kempton seconded, and the motion passed.

Approved September 11, 2007

/s/ Joan Dukes

Vice-Chair

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