

**Jennifer Anders**  
**Chair**  
Montana

**Bo Downen**  
Montana

**Guy Norman**  
Washington

**Patrick Oshie**  
Washington



## **Northwest Power and Conservation Council**

**Richard Devlin**  
**Vice Chair**  
Oregon

**Ted Ferrioli**  
Oregon

**Jim Yost**  
Idaho

**Jeffery C. Allen**  
Idaho

### **December Council Meeting Tuesday, December 10, 2019 Portland, Oregon**

Council Chair Jennifer Anders called the meeting to order at 10:31 a.m. The meeting was structured as a one-day webinar. Members Richard Devlin, Guy Norman, Ted Ferrioli, Bo Downen and Patrick Oshie were in attendance. Members Jim Yost and Jeffery Allen joined by phone.

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

##### **Fish and Wildlife**

Member Norman, Fish and Wildlife Committee chair, said staff outlined the process for moving forward with the Addendum process. Part I calls for a continuation of collaboration with fish and wildlife managers over a six-month period. Part II issues will be discussed today.

##### **Power Committee**

Richard Devlin, Power Committee chair, said there was a report from Massoud Jourabchi, economic analysis manager, on the state of the electric utilities. The region's population growth has been faster than the nation as a whole. The region's economy is improving faster than the national average. However, utility loads are staying flat or declining.

Member Devlin said the website report by Chad Madron, project analyst, went quite well. There have been quite a few improvements and investments. The power generation map draws a great deal of interest from the public. Information officer John Harrison's history of the Columbia River remains one of the most popular sections of the site.

The committee also looked at pump storage: its costs and fit in the region's resource mix.

## **Public Affairs**

Member Allen, Public Affairs Committee chair, had no report, but he promised a great one in January.

### **1. Fish and Wildlife Program amendments**

Patty O'Toole, Fish and Wildlife Division acting director, spent a few minutes introducing the Fish and Wildlife Program Addendum material. The Addendum, which builds on the existing 2014 Fish and Wildlife Program, has Parts I and II, with different paths for each.

O'Toole said that during the public comment period on the draft 2020 Addendum, the Council received comments from some of the state fish and wildlife agencies and tribes asking for a delay in adopting Part I. They requested time to work with the Council to determine the most appropriate goals, objectives and indicators.

O'Toole proposed the following revised schedule for Part I:

- November and December 2019 – work on process issues.
- January 8 and 9, 2020 – the Council holds workshops on goals.
- February and March 2020 – the Council hold workshops on strategy performance indicators:
  - Salmon and steelhead (three workshops)
  - Lamprey (in February)
  - Resident fish (in March – associated with a project review)
  - Sturgeon (in March – associated with a project review)
  - Wildlife (as needed)
- May 2020 – the Council releases a revised version of Part I for public comment, followed by hearings and consultations.
- July 2020 – the Council adopts Part I of the Addendum.

O'Toole proposed the following schedule for Part 2:

- December 2019 – spend the rest of the Council meeting going through the Addendum section by section, looking at draft revisions.
- January 2020 – adopt Part II of the Addendum.

Member Downen asked if the hearings and consultations are legally required. It feels like we've processed the heck out of the Fish and Wildlife Program, he said, and it feels strange to reopen it for another round of comments and discussions.

General counsel John Shurts said it's likely necessary. There might be enough changes through this process that there will be a need for more public review and comment. Shurts added that the Council also needs to adopt findings and recommendations as part of the program. Those will be provided in January or, more likely, February.

Leslie Bach, senior program manager, talked about program performance in Part I. Reading from her slide, she said the comments sought to:

- Delay adopting Part I and develop a collaborative process to refine goals, objectives and indicators.
  - Address the full suite of goals and objectives in the 2014 program.
  - Identify mechanisms for gathering, assessing and reporting data.
  - Describe how the information will be used.

The general workplan is to discuss process ideas with fish and wildlife managers, incorporate specific technical edits into Part I and share the revision with managers prior to the first workshop. Staff has started to engage in policy-level discussions to address how the Council will assess, report and use the information

Shurts said the Council should let people know we're open to conversations. It's important to gather information and be more sophisticated on how we report on performance.

O'Toole said staff has had conversations with various fish and wildlife managers, Bonneville and utilities about the ongoing process.

Member Norman commended staff on the outreach and communication that's occurred since the last Council meeting. The timeline captures the spirit of what we heard and it's a reasonable process. The Fish and Wildlife Committee supports it.

**Northwest Power and Conservation Council Motion to extend the time for making a final decision on the program amendment recommendations that relate to Part I of the Program Addendum, consistent with the plan for proceeding as presented by staff and recommended by the Fish and Wildlife Committee.**

Vice-Chair Devlin moved that the Council extend the time for making a final decision on the program amendment recommendations that relate to Part I of the Program Addendum, consistent with the plan for proceeding as presented by staff and recommended by the Fish and Wildlife Committee.

Member Norman second.  
Motion carries without objection.

**Addendum Part II revisions**

Shurts talked through the Addendum's Part II revisions. He said the Council is not taking votes on particular sections, but is making sure that Members are comfortable with what's proposed. Revisions have to have a super majority (one from each state or six members).

There were no changes to the first page and the introduction.

In the section on climate change, an edit identified. We understand that climate change should be considered overall, but we see a need an ongoing science policy forum to better understand how climate change issues are implemented. Nobody said it's not a good idea, but they want to see a more systematic effort to identify impacts and strategies. Staff still doesn't think putting resources into it is the course to take. Some wanted to know who would be included and consulted with in this science policy forum. An edit was made in response to that.

O'Toole said it's important for everyone to remember what's in the Addendum and what's in the 2014 Program. There's quite a bit already adopted in the 2014 Program, so the question is what needs to be added in the Addendum to build on that. It might be something already captured in the program. Both need to be looked in context.

Member Norman said he recalled conversations about adding more about climate change in the Addendum. He interprets that establishing a science policy forum wouldn't preclude us from advancing into a planning project.

Member Downen also supports the staff recommendation. Would Part I – in setting goals and objectives – somehow incorporate what's already in the 2014 program? Shurts replied that in Part I we included some pieces. If we get more information that tells us to put resources into it, then that could be done.

In the section on mitigation in blocked areas, Shurts said they received a lot of comments to increase mitigation efforts. The Spokane Tribe wanted this strengthened. Others are concerned about the impact on budget. Staff thinks they hit the mark and can handle most of the questions in the findings. The Kalispell Tribe wanted their concerns addressed and there is a place to address their issues.

Member Downen asked who decides whether or not there are cost increases. I assume we work with Bonneville, he said. Are there decreases elsewhere in the basin?

Shurts said the focus was on increasing mitigation in this area. If that means additional expenditures, it might mean add expenditures. Budget increases are up to the implementers. It doesn't wait for budget decreases elsewhere.

Member Norman said the understanding of committee members is consistent and he's supportive of maintaining the language as is.

Member Anders said this provision talks about this in general. Specific reintroduction is in the next section.

Member Devlin asked if there is a benefit to adding legislative history. We saw mitigation efforts in this area as not being comparable to other areas. We found that for the entire region, particularly for this area, the level of mitigation was lower and we should be more consistent.

Shurts said there will be explanations in the findings that say what Member Devlin said.

Member Yost said he has no argument with the language. There should be continued discussions about mitigation, but the tribe has to participate in good faith as well. As long as council and region has full discussion about what the mitigation is, it's between BPA and the Spokane Tribe. It's not up to Council to mitigate that.

In the section on anadromous fish reintroduction above Grand Coulee and Chief Joseph dams, Shurts said there was some concern on how it relates to the overall effort. The Spokane Tribe wanted to write in specific steps on what it means to support reintroduction. We think we hit the right spot, he said. We see the need for everyone to make progress on this and recommend it remains as is.

Member Norman said looking at this language, we had a comprehensive Part I report. We might want something that represents that step, he said. It might be appropriate to tweak this language or list it in the accomplishments section.

Shurts replied it will also be reflected in the findings and they can add something here as well.

All the Members voiced their support.

Shurts said they didn't look at the list of accomplishments in the introduction. If we add more, we need to redraft the accomplishments section between now and the January meeting.

Anadromous fish mitigation above Hells Canyon Complex was not addressed in the draft Addendum. Shurts said they are working with the Idaho office to highlight trap and haul efforts. There are all kinds of blocked areas and there are conversations in Idaho with states and tribes about Hells Canyon efforts.

Member Anders asked for reactions, saying she supports the newly added provisions, but she's curious on how Upper River Tribes would react. Member Norman said he's supportive of the intent that it's not exclusive. Would it help to delete reference to habitat?

In the section on ocean impacts, Shurts said they want to see the implementation of work that draws information. He said they received supportive comments, but also remarks wondering if there's a nexus with the hydropower system. We think we got it right and don't recommend any changes, he said.

Member Ferrioli observed that what you see depends on where you stand. Some say there's no nexus and others say it's obvious there is one. No edit is a great edit.

Member Devlin said he believes there should be a nexus between BPA's Fish and Wildlife expenditures and the impact of the federal hydro system. But the study of ocean impacts is critical to the regions ability to implement the Fish and Wildlife Program.

Member Downen asked if this directive has to be Bonneville's alone? There are a lot of players who could have a seat at this table. Shurts said other entities involved in the research are dependent upon the directive. We identify this in the Program as a Bonneville issue to implement.

Member Norman said there are many participating partners.

In the section on the estuary, Shurts said valuable work came out of the Corps that's at the risk of not getting done. We don't see the need to edit this section.

In the section on mainstem operations, Shurts said they received comments from the Kootenai Tribe that the Hungry Horse and Libby portion is too centered on Montana. A number of different parties involved in Montana and Idaho want to be mentioned as having an interest in this issue.

There were comments seeking language about developments on flexible spill operations since 2014. Our sense is it didn't belong here, Shurts said, as it's part of an ongoing implementation process. Similarly, the Kalispell Tribe want some Albeni Falls fish passage language, but we'll hold that for later, he said.

Many commentators called for lower Snake River dam breaching language to be included in the Addendum. We're not making that decision or including it here, Shurts said, recommends addressing it in the findings.

In the section on predator management, the comments were generally supportive and the ISAB said the we need to go with the measures that give us the best bang for the buck, Shurts said.

Some comments asked for the northern pike provision to be strengthened to put more burden on the hydrosystem. Others think too much is put on the hydrosystem. We feel we hit it right, Shurts said.

Member Downen said predator suppression should be viewed more broadly, instead of just Bonneville, and we should call out the Bureau of Reclamation as well to make it more consistent.

Member Devlin said passive language is being used in the introduction.

Member Yost asked if orcas should be included as predators since they eat so many salmon. There was no reply from other Members.

Shurts said on pinnipeds, should the Council call for additional funds for pinniped predator management actions? We are recommending adding additional funding, but are members interested in editing that?

Member Anders said that between the three predators, there are different terms for support. Is there a difference? Shurts said they each were written on their own and were put together.

Member Ferrioli thinks the language is passive and we need to convey that we want a more aggressive management approach. The Marine Mammals Act has had a greater impact on numbers than have other areas.

Shurts said you could redesign this to have one introduction that names all the federal agencies. Between now and January, they will take a look and reorganize it. There won't be a substantive change. They're not trying to prioritize between them.

Member Norman said he's not in favor of changing the language. We want cooperative language, he remarked.

Speaking on the sturgeon section, Shurts said there's a lot of work being done in the system by the Corps, Bonneville and others. They want the section to show progress in the work being implemented.

Shurts spoke about measures that were not addressed in draft addendum. Staff recommends including important items that have happened since 2014, even though they

are mentioned in the 2014 Program. For example, they want to recognize the Accord extensions as a part of the program.

Member Anders asked if there were memorandums of understanding that were extended. Shurts said he thought Washington might have a couple of agreements, but he'll need to check. Norman added that a new MOU is well underway. Shurts said they're trying to pick up new implementations.

Member Anders pointed out two items excluded from the revised draft: the revised recovery plan for Kootenai River's distinct population segment of the White Sturgeon and the Upper Snake Tribes' Hells Canyon Complex fisheries management plan. Shurts said they're important developments, but not implementation-level developments.

Member Downen said most of the items seem like ongoing commitments. But the first couple – the Accord extensions and spill agreement - seem like the mitigation work that will end soon, and perhaps should be listed in the accomplishments. Shurts said the commitments weren't included at first, but they received pushback in the comments to include them.

In the section on how the program is implemented, there was extensive discussion around whether the Council pursue the 5% threshold mechanism.

O'Toole said that in spite of concerns about BPA's budget, it's important that the Council weigh in to ensure its program stays intact. We don't want to lose that, she said. The Council developed this section to recognize the cost concerns of BPA. There's a 5% trigger in the language that folks have a problem with. Some see it as too much micromanagement by the Council. Therefore, staff developed some options:

1. Retain the 5% trigger mechanism;
2. Raise the mechanism to 20%; or
3. Remove the 5% and other trigger mechanisms, in favor of getting more information about budget work.

Shurts said the comments did not object to the premise of making sure the program's productive work continues even while cost containment efforts continue.

Member Devlin said that while he understands the options, the idea isn't to micromanage BPA or what they'll fund. The idea is to have a fish and wildlife program that has had rigorous scientific review. The ISRP rarely gives carte blanche approval to projects. Council recommends to BPA which projects to fund and when deemed necessary the appropriate level of funding. He said the Council needs to be aware of the scope of the projects, and whether they're making progress or not. He likes the 15% trigger.



Member Ferrioli said this issue was brought to us by managers. In some cases, a reduction doesn't harm the program. We set the trigger to begin a conversation with Bonneville. He's interested in the principle, but is not wedded to the math.

O'Toole said she has talked with BPA management and want to work with the Council on this. They're not supportive of a trigger mechanism, but understand what's being requested.

Member Ferrioli said, who's program is this? I would hope each stakeholder would say it's "my program." Not BPA middle managers. Give us a suggestion on how we can be engaged in these programs.

Member Devlin said he's not holding to a particular percentage, but doesn't see the problem with picking one. We want more information and our staff will review programs that are reduced by 15%. A lot of discussion has been around mature programs that have been around for years — we don't have a broad understanding of what's working and what isn't. The Council has to be informed of a change in the program's scope.

Member Norman said he appreciates the desire for a trigger. But the most important part is the principle of communication, coordination and the opportunity for the Council to weigh in. He doesn't know if a specific percentage triggers that.

Peter Cogswell, BPA's intergovernmental affairs and regional relations director, said the agency is committed to more than a handshake agreement, but they would prefer finding a way to work together without a specific trigger.

Member Ferrioli is concerned that given the right provocations, a middle manager might cancel a part of a program that isn't productive. He wants to make sure actions aren't taken unilaterally.

Shurts said the Council's always on stronger grounds talking about work rather than budgets. A year or two ago, we signed a MOU on resource acquisitions. We could go that route.

Cogswell hopes to get together before January to sort this out.

Member Downen said it wouldn't hurt to hold BPA's feet to the fire on clarifications. The lines of communication are good between the Council and BPA, he said. He likes option three, but could go for a melding of two and three. If BPA proposes increases, he'd be curious to know why.

Member Anders said the paragraph talks about efficiencies and containment, but at the end, it references decreases and not increases. That needs to be fixed.

Member Oshie agrees with the principle. We need to know about any large shifts, he said. A trigger is indiscriminate. I'm surprised we're here talking like this. I thought there was already information coming back.

Member Yost said the conversation is like PTSD because we talked about this 10 years ago. He suggested 5% for Idaho and 20% for everyone else.

In the section on how cost savings should be used, Shurts said some comments want any found savings to go back into the Fish and Wildlife Program. Other say it should go back to the ratepayers. We feel we struck it right and don't propose any changes, he said.

After incorporating the edits, staff will redraft Part II for a full Council vote at the January 2020 meeting.

Chair Anders adjourned the meeting at 3:11 p.m.

Approved January 14, 2020.

/s/ Richard Devlin  
Vice Chair