

W. Bill Booth
Chair
Idaho

James A. Yost
Idaho

Tom Karier
Washington

Dick Wallace
Washington



Bruce A. Measure
Vice-Chair
Montana

Rhonda Whiting
Montana

Melinda S. Eden
Oregon

Joan M. Dukes
Oregon

Council Meeting Portland, OR

February 12-13, 2008

Minutes

Bruce Measure made a motion that the Council meet in executive session at noon on Wednesday, February 13, for the purpose of a Council retreat to discuss Council organization, structure, and procedures, and for the purpose of discussing participation in civil litigation. Cassidy seconded the motion, which passed unanimously on a roll call vote.

Cassidy, who is retiring from the Council, introduced his replacement, Dick Wallace, formerly assistant director of the Washington Department of Ecology. Cassidy said Wallace has worked with fish and water issues for many years in Washington state and that his knowledge will make for a seamless transition.

Staffer Mark Walker reported on a trip to Washington, D.C., with new Council chairman Bill Booth. He and Booth made calls on 15 Congressional and agency offices and briefed them on the Council's 2008 activities. Booth emphasized the Council's institutional knowledge, and he encouraged the offices to call on us, Walker said. We raised the issue of having a Congressional staff trip to Portland later this year to give folks a better idea of the region, the issues, and how the Council operates, he added.

Walker reported that sea lions were among the topics discussed. We encouraged the offices to open a dialogue with NOAA Fisheries and to work with Congressmen Baird's and Hastings' offices, he said. Walker noted that Senator Smith's office flagged for the Council an item in the recently publicized Klamath Basin agreement that would give irrigators in that area access to BPA power at firm rates. Senator Cantwell's office asked us to take a look at the national Renewable Energy Zones legislation, which we are doing, he stated.

Booth said he and Walker got a good reception in Washington, D.C. There is interest in what we're doing, particularly with power, he commented.

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

Rhonda Whiting chair, fish and wildlife committee; Melinda Eden, chair, power committee; and Larry Cassidy, chair, public affairs committee.

Rhonda Whiting reported on the Fish and Wildlife Committee meeting. We discussed the F&W division work plan, several Budget Oversight Group (BOG) requests and were not unanimous in votes on all. The vote was split three to one on the Washington Department of Fish and Wildlife redband trout study, and we struggled with the sea lion hazing proposals, she stated.

The committee had an update on the F&W project review process for 2009, Whiting continued. She also said the committee had updates on the Columbia River hatchery project and the Hood River Master Plan.

Power Committee chair Melinda Eden said staff is doing more work to correct errors in its computer models, and as a result, a revised wholesale price forecast is not yet available. The Federal Register notice went out this week on BPA's average system cost (ASC) proposal, so we had one of several planned consultations on ASC, she said. There was a staff report on the comments received on the issue paper for the Sixth Power Plan, Eden reported, adding that the Council received a lot of comments. We discussed the resource adequacy standards and release of a proposal, and we learned that Ken Canon has agreed to facilitate an energy efficiency forum in late April or early May, she said.

Larry Cassidy, who is retiring from the Council, said the Public Affairs Committee had not met.

1. Council decision on within-year project funding adjustments for implementation:

Mark Fritsch, manager, project implementation. First Quarter 2008.

Staffer Mark Fritsch walked the Council through a set of proposals for within-year project funding that were reviewed by the Budget Oversight Group (BOG) in the first quarter of 2008. He said BOG had 13 requests for a total of \$906,397 in FY 2008 and \$392,915 in FY 2009 funding. Staff recommended approval for five of the 13 projects.

Fritsch described the projects, which include: requests to protect the Parkdale hatchery facility from flooding and potential debris flow; replace irrigation pivots on an Idaho wildlife mitigation site; purchase equipment to study redband trout above Chief Joseph and Grand Coulee dams; incorporate new acoustic tracking technology and deploy a tracking array at the Astoria bridge; investigate the life history of spring Chinook and steelhead in the Grande Ronde Subbasin; and provide non-lethal hazing of California sea lions.

Cassidy recused himself from the vote on project 2003-114-00, POST Acoustic Tracking, and left the meeting during discussion of it. Measure made a motion that the project be voted on separately from the package of other projects. Jim Yost seconded the motion, which passed unanimously.

Joan Dukes made a motion that the Council approve the within-year project funding request for project 2003-114-00. Yost seconded the motion, which passed seven to zero.

Measure asked why staff would deny the request by the Salish and Kootenai tribes to hold a fishing contest at Hungry Horse Reservoir. There's no funding involved, so why would we deny it? he asked. Fritsch responded that there is no prohibition on the contest itself, but the denial is on the use of project funds to conduct it. Cassidy clarified that the assumption is if the fishing derby is restored to the project description, funds for it would come at the expense of something else in the project. This action confirms our decision in 2006, which was based on the Independent Scientific Review Panel's (ISRP) recommendation on the fishing derby, he said.

Measure made a motion to decline the request to restore the fishing derby to the project description, which was subsequently withdrawn.

Fritsch said new requests were received for activities to address sea lion predation. The Columbia River Inter-Tribal Fish Commission (CRITFC) proposes to evaluate sea lion predation at Bonneville Dam and carry out non-lethal hazing. The committee recommended \$75,000 for the hazing, he said.

"This sounds like a gift to me without the assurance of any results," Measure said. I have heard nothing positive about the non-lethal hazing, he added.

Fritsch said that the states' request for lethal take is driving the CRITFC proposal. To get lethal take, you have to have evidence about which animals are causing a problem and whether the non-lethal hazing works.

In 2001, the Council was the first in the region to take a position in favor of lethal take, Cassidy said. The hazing program has had some success, but if we have to take some animals by lethal means, "we have to do it," he said.

We have been challenged by Congress to turn up the heat on hazing, according to Jamie Pinkham of CRITFC. We need to show that we are doing everything possible within the legal means to eliminate the problem before we can get the Section 120 permit, he said.

Measure made a motion that the Council recommend that BPA fund a new sea lion predation project for non-lethal hazing at a cost of \$75,000. Cassidy seconded the motion, which passed with Measure voting no.

Eden asked if the Corps is contributing to the effort to mitigate sea lion predation at Bonneville Dam. Fritsch said the Corps spends about \$400,000 a year on hazing at the dam itself. A representative of the Oregon Department of Fish and Wildlife said the Corps has spent a great deal and funded monitoring and data gathering. He also said the Corps carries out hazing at the dams, installs sea lion barriers, and has provided underwater acoustic harassment.

Fritsch said the staff did not recommend \$15,000 to fund the Birch Creek Water Association request. Eden explained that the group was looking to solve a fish passage problem in the creek. I reluctantly accept the staff recommendation, she said.

Measure made a motion that the Council recommend that Bonneville fund the five within-year project funding requests –1988-053-07, 1995-057-00, 1997-004-00, 1992-026-04, and 2008-003-00 – as defined and conditioned by staff and recommended by the Fish and Wildlife Committee. Yost seconded the motion, which passed unanimously.

2. Council decision on follow-up actions for fiscal years 2007-2009:

Mark Fritsch Nez Perce Tribe (NPT) and Nez Perce Soil and Water Conservation District (NPSWCD) projects in Lapwai and Big Canyon creeks

The Council took up consideration of projects sponsored by the Nez Perce Tribe and the Nez Perce Soil and Water Conservation District in the Lapwai and Big Canyon creeks. Fritsch explained that the projects got a mixed review from the ISRP and after the sponsors attempted to remedy the concerns, the ISRP found that the two Big Canyon Creek projects still did not meet scientific criteria. Fritsch said staff recommended going forward with the Lapwai projects, but to transition the Big Canyon Creek projects to a closeout in 2009, based on the ISRP finding.

Measure made a motion that the Council find, as recommended by the Fish and Wildlife Committee, that the Nez Perce Tribe and the Nez Perce Soil and Water Conservation District have adequately addressed the conditions placed on the Lapwai Creek projects as part of the Council's FY 2007-09 funding recommendations. Tom Karier seconded the motion, which passed unanimously.

Measure made a motion that Bonneville adopt the transitional funding in FY 2008 and FY 2009, as outlined and conditioned by staff and recommended by the Fish and Wildlife Committee, for the Big Canyon Creek Projects, with the understanding that after FY 2009, the projects will be closed out. Yost seconded the motion.

Karier questioned why the Council would fund a project so fully for two years that is slated for closeout. The Big Canyon projects didn't meet scientific review criteria, he said. These aren't small problems – the Canyon goes dry, and the only reason the project is alive is that BPA kept it alive, Karier said. I can't support this, he said.

This is a situation where we have excellent collaboration among players, and the sponsors are quite sure they can resolve the ISRP concerns, Booth said. We had an extensive presentation from the sponsors at the F&W committee, he added.

Dukes said the F&W committee made it clear the projects “were going away.” But this is a watershed that needs help, and a surprising number of people want to work together on it, she said.

The Council voted six to two in favor of the motion, with Karier and Measure voting no.

3. Council decision to release final Adequacy Standards for public comment (Council document 2008-01):

John Fazio, senior power systems analyst; and Terry Morlan, director power division.

With release of a proposed resource adequacy standard developed by the Pacific Northwest Resource Adequacy Forum, the Council could be close to wrapping up a big item from the Fifth Power Plan, according to staffer Terry Morlan. The current proposal combines an energy and capacity standard into one document.

Eden said the Power Committee voted unanimously to release the standard. Measure made a motion that the Council release for public comment the draft paper titled “A Resource Adequacy Standard for the Northwest,” and direct staff to give notice of the opportunity for comment

through close of business Friday, March 7, 2008. Karier seconded the motion, which passed unanimously.

4. Briefing on draft NOAA environmental assessment on pinniped actions in Columbia River:

Jim Ruff, manager, mainstem passage and river operations; and Garth Griffin, NOAA Fisheries.

NOAA Fisheries released a draft Environmental Assessment (EA) January 17 on the actions it plans to take to reduce the impact of sea lion predation on Columbia River salmon, Ruff told the Council. Garth Griffin of NOAA Fisheries said the sea lion problem has been building since 2001, and current estimates put the sea lion take at 4.2 percent of the anadromous fish run at Bonneville Dam. The number of animals within half a mile of the dam has been going up, he said. About 55 core animals “are now making a good living at the dam,” Griffin stated.

Washington and Oregon have applied for a Section 120 permit in 2006 to remove sea lions by lethal means, and NOAA Fisheries formed a task force to consider whether to approve the permit, he explained.

NOAA Fisheries’ proposed action spelled out in the EA takes the limited approach of the removal of certain individually identified sea lions, which the agency estimates would mean killing about 30 sea lions per year, Griffin said. Under the action, “predatory California sea lions” have to have been observed eating salmon and have to have been subject to non-lethal deterrents, he said. Griffin pointed out that all lethal removal would have to be within a controlled area around the dam from which the public is prohibited.

The comment period on the EA ends February 19, he reported, and NOAA Fisheries is on track for a decision in March.

5. Briefing on Energy Independence and Security Act of 2007:

Mark Walker, director, public affairs division; and Tom Eckman, conservation resources manager.

Walker briefed the Council on the Energy Independence and Security Act of 2007 passed in the closing days of the 110th Congress. The House and Senate passed differing versions of the legislation, and in December 2007, they got together on provisions and passed a major bill, he said. President Bush signed H.R. 6 December 19, Walker noted.

Staffer Tom Eckman provided additional details on the appliance and lighting efficiency standards in the bill. He said the bill set efficiency standards for broad categories of lighting, adding that one-quarter of the total conservation called for in the Council’s Fifth Power Plan could be captured with lighting efficiency.

6. Forecast of 2008 water conditions:

Jim Ruff.

If the trend in the final February runoff forecast holds, the region is on its way to an above-average water year, according to staffer Jim Ruff. In an average year, the peak snowpack occurs in April, and this year, we were trending slightly above average as we headed into February, he said. Ruff noted that the Northwest River Forecast Center's February 7 water-supply forecast came out ahead of a storm that dumped another three to four feet of snow in the Cascades. Below-normal temperatures and above-average precipitation have meant a lot of snow, he stated. Many low-elevation sites have reported record high snow levels, Ruff said.

He called the outlook from the NOAA Climate Center "good news, if it holds up." Based on the La Niña conditions that have been prevailing this winter, there is a greater than 40 percent chance of above-average precipitation for parts of the interior Northwest and a 33 percent chance for above-average precipitation in the rest of the region, Ruff said.

7. Presentation on carbon sequestration and climate change issues:

Mark Trexler, Trexler Climate and Energy Services.

Dr. Mark Trexler, whose company Trexler Climate + Energy Services has been acquired by EcoSecurities of Oxford, England, briefed the Council on carbon capture and storage (CCS).

CCS is the process of taking CO₂ emitted by power plants and disposing of it in some fashion, he explained. A limited amount of CCS is now taking place in the enhanced oil recovery industry, where CO₂ is being used in lieu of flashing steam to free oil, Trexler said. But this is a very small application compared to what could happen, he stated. Trexler also noted that because it has a stiff carbon tax, Norway is pumping CO₂ under the North Sea.

There are three types of sequestration, he went on: geologic, where the gas could be piped into coal fields, oil and gas fields, or deep aquifers; ocean, where the gas could be pumped deep into the ocean – an idea that "gives lots of people a lot of heartburn"; and mineral, where the gas is formed into solids, something "we now have no way to do."

8. Update on Fish and Wildlife Program amendments:

Patty O'Toole, program implementation manager; and Lynn Palensky, program planning and special projects coordinator.

Staffer Patty O'Toole briefed the Council on a tentative schedule for the next steps in revising its F&W program. April 4 is the deadline for the public to submit proposed amendments, and staff plans to have a draft program together by the Council's August meeting in Spokane, she said. Once the draft is revised and released, there would be a public comment period that extends through October 17, O'Toole said, adding that the date for close of comment could change. She asked Council members for their thoughts on the schedule, which includes a full week of public hearings in late September. We need to get the logistics nailed down, O'Toole added.

9. Council business:

– Discussion of ISAB appointment

<http://www.nwcouncil.org/news/2008/02/9isab.pdf>

Staffer Erik Merrill explained how the appointment process, which includes vetting through the National Research Council, is handled for the Independent Scientific Advisory Board (ISAB). He reported that staff is firming up the nomination of Dr. Robert Naiman, an expert in stream ecology, to serve on the ISAB. We have another spot open, but no nominee at this time, Merrill said. We are looking for someone with hydro system expertise, he added.

– Briefing on Council external financing

Staff briefed the Council on activities for which it receives financing outside of its regular BPA-funded budget. The Council received \$1.3 million in external financing in 2007, according to staffer Sharon Ossmann. Merrill presented information on the ISAB and the ISRP for which the Northwest Power Act specifies an annual budget of \$500,000 (1997 dollars).

Eckman reported on the activities of the Regional Technical Forum (RTF), which informs the Council on the technical merits of various conservation measures. He said the Council secured \$300,000 in annual funding for RTF activities. Staffer Charlie Grist reported on an effort to fund research on rooftop heating and cooling systems. We used \$30,000 in RTF funds to get things off the ground and collected an additional \$212,000 from other sources for the project, he said.

– Approval of Annual Report to Congress

Walker reported that the Council's annual report to Congress has been finalized. The comment period ended January 28, and "the final looks quite similar to the draft," he said. The Council voted unanimously to release the report to Congress and the public. Karier pointed out that the Northwest Power Act contains details about what the report should address, and one of the topics is the effectiveness of the Council's F&W program. He suggested the Council now has enough information to fulfill that part of the reporting obligation and should do so next year.

Measure made a motion that the Council approve the Fiscal Year 2007 Annual Report to Congress and the citizens of the Pacific Northwest as presented by staff; and direct staff to send it to Congress and those who usually receive it. Whiting seconded the motion, which passed unanimously.

– Approval of minutes

Measure made a motion that the Council approve for the signature of the Vice-Chair the minutes of the January 15, 2008 Council meeting held in Vancouver, Washington. Eden seconded the motion, which passed unanimously.

The meeting was adjourned at 11 am on February 13th.

Approved March 13, 2008.

/s/ Bruce Measure

Vice-Chair

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