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July 30, 2009

DECISION MEMORANDUM

TO: Council Members

FROM: Peter Paquet, Manager Wildlife & Resident Fish

SUBJECT: Approval of Wildlife Crediting Forum Advisory Committee Charter

PROPOSED ACTION: Approve a charter for the Wildlife Crediting Forum (Forum).

SIGNIFICANCE: The Council's 2009 Fish and Wildlife Program calls for the establishment of the wildlife crediting forum to address a number of long-standing issues related to the crediting of wildlife mitigation activities funded by the Bonneville Power Administration. Approval of the Charter will allow Council staff to initiate this process.

BUDGETARY/ECONOMIC IMPACTS: Staff estimates that contracting for facilitation of the Wildlife Crediting forum will cost between \$25,000 and \$30,000.

BACKGROUND: In the 2009 Fish and Wildlife Program, the Council called for the initiation of a Wildlife Mitigation Crediting Forum to: "1) recommend a commonly accepted ledger of habitat units acquired; 2) recommend to the Council ways to resolve issues about accounting for habitat units; and 3) develop a common data base for tracking, assigning and recording habitat units." In addition, "[a]s part of the crediting forum, the Council will work with Bonneville and the managers to develop a comprehensive agreement on the proper crediting method for construction and inundation losses or strategies that will allow parties to reach long-term settlement agreements. Once completed, the Council will consider adopting the comprehensive agreement into the Program."

At the July, 2009 meeting the Council approved the framework and budget for the Wildlife Crediting Forum and directed staff to prepare a charter for the committee. The proposed charter is attached. It is expected that the Forum will meet on a monthly basis and will terminate one year from the filing date of the charter.

ANALYSIS: Council staff proposes to establish the Forum as a Council Advisory Committee. Other Council advisory committees, such as the Independent Economic Analysis Board and the Regional Technical Forum have proved to be an effective approach to securing information and opinion on a range of topics, to provide regional forums for discussion, review and dissemination of information, and to provide recommendations to the Council. The Advisory Committee format should provide a suitable mechanism for addressing wildlife crediting issues.

ALTERNATIVES: The Forum could be constituted as an ad-hoc organization. As such, however, it would have no contact point or staff and facilities support that the Council can provide.

ATTACHMENTS: Charter of the Wildlife Crediting Forum. The charter was prepared in accordance with the Federal Advisory Committee Act

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PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

CHARTER OF THE WILDLIFE CREDITING FORUM

1. Official Designation: This Forum will be known as the Pacific Northwest Electric Power and Conservation Planning Council's Wildlife Crediting Forum.
2. Background: In the 2009 Fish and Wildlife Program, the Council called for the initiation of a Wildlife Mitigation Crediting Forum to: "1) recommend a commonly accepted ledger of habitat units acquired; 2) recommend to the Council ways to resolve issues about accounting for habitat units; and 3) develop a common data base for tracking, assigning and recording habitat units." In addition, "[a]s part of the crediting forum, the Council will work with Bonneville and the managers to develop a comprehensive agreement on the proper crediting method for construction and inundation losses or strategies that will allow parties to reach long-term settlement agreements. Once completed, the Council will consider adopting the comprehensive agreement into the Program."
3. Objectives and Scope of Activity: The Wildlife Crediting Forum will advise the Council regarding the following issues. Activities of the Forum will include:
 - (A) Developing and recommending to the Council a commonly accepted ledger of habitat units acquired by the Bonneville Power Administration.
 - (B) Recommendations to the Council on ways to resolve issues about accounting for habitat units.
 - (C) Developing a common data base for tracking, assigning and recording habitat units.
 - (D) Reviewing and issues related to wildlife crediting, such as the frequency and use of the Habitat Evaluation Procedure following the initial baseline evaluation. The forum could also provide recommendations on acceptable alternative evaluation procedures.
4. Official to Whom the Wildlife Crediting Forum Reports: The Wildlife Crediting Forum will report to the Executive Director of the Council.
5. Authority of the Forum: The Wildlife Crediting Forum will serve in an advisory capacity only. Neither the Forum nor its members are authorized to make statements or commitments on behalf of the Council. Forum members will not be considered to be members of the Council staff.

6. Estimated Annual Operating Costs in Dollars and Person-Years: \$25,000 to \$30,000 and one staff month.
7. Forum Management Officer: The Forum Management Officer ("Management Officer") for the Wildlife Crediting Forum will be the Director of the Council's Division of Fish and Wildlife. The Management Officer will designate members of the Council's staff to coordinate and attend meetings of the Forum.
8. Chair:
 - (A) The Chair of the Wildlife Crediting Forum will be appointed by the Chairman of the Council, with the concurrence of the Council members, and will serve at the pleasure of the Council.
 - (B) The Chair may be called upon to report to the Executive Director of the Council on appropriate matters, including the Wildlife Crediting Forum's progress on the tasks described in Part 3 of this Charter.
 - (C) The duties of the Chair will include presiding over the Wildlife Crediting Forum meetings, ensuring that detailed minutes of such meetings are prepared and submitted to the Executive Director of the Council in a timely manner, and maintaining communication between the Forum and the Council's staff.
 - (D) The Chair will certify detailed minutes of meetings of the Wildlife Crediting Forum. The minutes should include a complete and accurate description of matters discussed, conclusions reached, actions taken, persons invited to meet with the Forum, and persons in attendance. The minutes also will include copies of reports received, issued or approved by the Forum. Minutes of meetings will be prepared and released within ten days of the meeting, unless an extension is granted by the Management Officer. The Management Officer will distribute copies of the minutes to members of the Forum and the other interested persons.
 - (E) Sub-groups of the Wildlife Crediting Forum may be established by the Chair of the Forum to undertake particular aspects of the Forum's work. Methods for organizing the work and procedures of the Forum must follow the scope of responsibilities assigned to the Forum by the Council. The work of the staff for the Forum will include making arrangements for Forum meetings, solving logistical problems, and providing clerical services.
9. Vice-Chair: A Vice-Chair of the Wildlife Crediting Forum may be appointed by the Chairman of the Council, with the concurrence of the Council members, and will serve at the pleasure of the Council. The Vice-Chair will perform the duties of the Chair of the Forum in the absence of that Chair, and such other duties as the Chair of the Forum may assign.
10. Rules: The Advisory Committee rules approved and adopted by the Council on March 17, 1982, as amended from time to time, will apply to the Wildlife Crediting Forum.

11. Estimated Frequency of Forum Meetings: The Chair of the Wildlife Crediting Forum, after consultation with the Management Officer, or his designee, will call meetings as necessary. The estimated frequency of meetings is monthly. All meetings will be open to the public, unless closed pursuant to 5 U.S.C. 552b(c). Timely notice of meetings, including agendas, will be made. Interested persons may attend Forum meetings and appear before or file statements with the Forum, subject to such reasonable rules as the Council may prescribe.

12. Duration: The Wildlife Crediting Forum will terminate one year from the filing date of this Charter, unless renewed in accordance with the Federal Advisory Committee Act. All Members of the Forum serve at the pleasure of the Council.

This Charter for the Wildlife Crediting Forum was approved and adopted at a duly called meeting of the Pacific Northwest Power and Conservation Planning Council, August 12, 2009 at Spokane, Washington.

PACIFIC NORTHWEST ELECTRIC POWER
AND CONSERVATION PLANNING COUNCIL

By: _____
W. Bill Booth, Chair

Date Filed: _____