

Bruce A. Measure
Chair
Montana

Rhonda Whiting
Montana

W. Bill Booth
Idaho

James A. Yost
Idaho



Tom Karier
Washington

Phil Rockefeller
Washington

Bill Bradbury
Oregon

Joan M. Dukes
Oregon

June 30, 2011

BRIEFING MEMORANDUM

TO: Council members

FROM: Peter Paquet, Manager, Wildlife & Resident Fish

SUBJECT: Briefing on Wildlife Crediting Forum Draft Report.

INTRODUCTION: The purpose of today's discussion is to familiarize the Council with the draft report produced by the Wildlife Crediting Forum and to seek input from the Council on the adequacy of the report in meeting the Council's desired outcomes. The report is the result of nearly one and a half years work by the Forum and is intended to provide a blueprint or framework for future discussions between Bonneville and regional fish and wildlife agencies and tribes on the development of agreements for meeting Bonneville's wildlife mitigation obligations. It is not intended to be applied to individual projects or to establish new policies outside of the legal mandates established by the Power Act.

BACKGROUND

The Council chartered the Forum to provide advice on the crediting and accounting of wildlife habitat mitigation associated with the construction and inundation impacts of the Federal Columbia River Power System (FCRPS). The Forum consists of wildlife program managers representing tribes (14 in all) and state fish and game departments (Oregon, Washington, Idaho) impacted by FCRPS, the U.S. Fish and Wildlife Service (USFWS), and representatives from the Bonneville Power Administration (BPA) and BPA Customers. The State of Montana is not a participant as wildlife mitigation issues relating to FCRPS have been settled by prior agreement between BPA and the state.

The instructions to the Forum were to make recommendations regarding the NPCC Wildlife Crediting Program (Program) with respect to:

- Developing a commonly accepted "ledger" of habitat units acquired by BPA
- Developing a common database for tracking, assigning and recording habitat units
- Resolving issues about accounting for habitat units
- Other issues related to wildlife crediting, including the use of Habitat Evaluation Procedures (HEP) or alternative evaluation procedures

The charter also allowed for the development of strategies that will allow the parties to achieve long-term agreements.

The Forum and several sub-committees have been meeting since January, 2010 to address Program issues. Much of the Forum's early deliberations focused on the difficulty of coming to collective agreement on all issues posed by the Council's Fish and Wildlife Program. Crediting issues were found to differ depending on geographic area, specific hydropower projects, and the entities involved in specific

crediting decisions. The methodologies involved in crediting decisions have also changed and evolved over time, been interpreted and applied in differing ways, and in some cases crediting has been resolved through individual project agreements. Reflecting on these factors, the Forum felt that the many technical and recordkeeping issues with the ledger, overlaid with unresolved policy issues, would make full resolution at the Forum level difficult, and decided that “agreements” were more likely to be an effective means of resolution. At the same time, the Forum indicated that the technical analysis of the ledger should continue to help resolve or make clear as many outstanding issues as possible. A considerable effort in this regard has been undertaken over the last several months. While not every issue or dispute has been resolved, and significant anomalies remain, the commonalities developed by the Forum provide a solid basis for bringing this portion of the Program to a successful conclusion. The draft report we will discuss at this meeting details the outcomes of the Forum’s deliberations. Major areas of accomplishment include:

- Establishment of a ledger depicting the current status of Bonneville funded wildlife mitigation activities
- Development of Standard Operating Procedures for future applications of HEP
- Development protocols for determining the amount of credit Bonneville should receive for management actions that occur on Federal lands
- Development of protocols for determining the amount of credit that Bonneville should receive for fish mitigation projects that benefit wildlife
- Acceptance of the Fish and Wildlife Program loss assessments as the agreed upon measure of wildlife losses

However, several policy related issues remain unresolved including:

- Agreement on the application of the crediting ratio established in the Fish and Wildlife Program
- Agreement on how to deal with wildlife species benefiting from open water habitats resulting from reservoirs associated with dam construction
- Agreement on how to account for mitigation that occurred prior to the 1980 Power Act

While these issues remain unresolved, the report provides important background information on them which can form the basis for negotiations focused on agreements and for future Council policy deliberations associated with future Fish and Wildlife Program amendent processes.