



DATE: December 5, 2003

TO: CBFWA Members and F&W Managers

FROM: Rod Sando, CBFWA

SUBJECT: NOAA Fisheries 2003 Check-in 11/25/03 Draft Meeting Notes

If there are no objections within five days, these action notes will be considered final.

NOAA Fisheries 2003 Check-in Meeting
November 25, 2003
@
CBFWA Office, Portland, OR

Attendees: Katherine Cheney & Kathy Fisher, BPA; Amos First Raised, BPT; Carl Scheeler, CTUIR; Michele DeHart, FPC; Peter Hassemmer & Mary Terra-Berns, IDFG; Brian Brown, Lisa Croft, John Palensky, Chris Toole, & Rob Walton, NMFS; Dave Statler, NPT; Tony Nigro, ODFW; Shane Scott, PPC; Fred Olney, USFWS; Rod W. Sando, Jann Eckman, Tom Giese, Tom Iverson, Tana Klum, Kathie Titzler, Neil Ward, Frank Young and Trina Gerlack, CBFWA

By Phone: Laura Gephart, CRITFC; Paul Ward, YN; Keith Wolf, CCT; Joann Hunt, NWPC; Andrew Englander, SOS; Chad Colter, SBT; Rudy Peone, STI; Mary Verner, UCUT

Draft Meeting Notes

NOAA Fisheries - ESA 2003 Check-In Report for the Federal Columbia River Power System (FCRPS) – Brian Brown and Chris Toole, NOAA Fisheries

NOAA Fisheries is in the process of drafting a findings letter to respond to reporting requirements for the first three years of BiOp implementation which include:

1. Annual Check-in on the Implementation Plans. Two reports have been completed and are available for review.
2. A detailed progress report on each years' implementation from the Action Agencies. This report will be available in the spring of 2004.

NOAA findings assesses whether the implementation plan includes early actions identified in the appendix of the BiOp and underway by the 03 Check-in.

The 03 Check-in identifies the Action Agencies' responsibilities and the criteria for NOAA Fisheries findings relative to those check-ins. There are seven specific items that must be addressed:

1. Key Actions – \$ Dollars
2. Pilot Studies – (RME)
3. Subbasin Assessments and HGMP
4. Biological PERF Studies
5. Site Specific Offsite Plans
6. Physical PERF Studies
7. Non-FCRPS Agencies

The Action Agencies were asked to prepare a progress report that looks cumulatively at the first few years of implementation and provides a determination on how they are doing relative to these seven items. The 10-12 page report will consist of a brief introduction, seven sections each with three parts; 1) a list of questions 2) Action Agencies response 3) NOAA Fisheries response and conclusions. The findings letter will be signed and sent by mid-December and will be included in the status report to Judge Redden by January 1, 2004. NOAA Fisheries has received comments from ODFW, NPT, American Rivers, UCUTs, and Public Power (comments are expected from CRITFC). NOAA Fisheries is still collecting information and will accept comments through December 2, 2004.

NOAA Fisheries is hoping that the CBFWA forum can be a venue to collect information and hold productive discussions relative to the Check-in.

During the discussion of the Check-in Report the following points were made:

1. Tom Iverson asked: Why does the Report show 95% compliance when only 10% of the projects BPA is funding are a result of the 2000 BiOp? Brian responded that BiOp compliance is not being measured by level of funding. BPA will ultimately be judged by how the ESU limiting factors are being addressed, but that will not be covered in this Check-in Report. Brian asked whether the agencies are working on a report analyzing spending status by ESU. Tom said no, but they could do that if so directed. Brian said that they are looking at how the level of implementation effort has changed since the BiOp was issued.
2. Rod Sando asked how programmatic issues, such as capitalization of land acquisitions, will be addressed. Brian responded that he believed that capital spending was a legitimate issue for the Report to address.
3. In response to a question from Michele DeHart about failure to meet flow targets Brian stated that by using flow targets (rather than a volume of water in storage) he believed that this approach provided an environment where the operators were encouraged to stretch their capabilities in-season and provided better conditions for fish survival than alternative approaches.
4. Michele DeHart expressed her concern that the 7 items to address in the Report may be inadequate to judge success in addressing mainstem needs for survival

- improvement. Brian stated that this is recognized in the BiOp by reliance on off-site measures. He further stated that hydro issues are to be evaluated separately in the FY 2005 Check-in and the new BiOp in FY 2004 will re-evaluate how the hydrosystem will be evaluated.
5. Dave Statler expressed the concern that there is no good way to measure progress toward accomplishment of implementation goals and that the former sense of urgency seems to be diminished by the recent large returns. Brian responded that recovery success is not being judged by the recent large runs, but it cannot be denied that the recent large runs have reduced the risk to these stocks and perhaps provide some breathing room. Dave Statler responded that he believes that we should take advantage of this opportunity created by the large returns to accelerate recovery actions making it more likely to see results sooner.
 6. Rod Sando said that he is concerned that these large returns will pressure NOAA Fisheries to diminish the level of protection in the new BiOp. Pete Hassemer pointed out that the large hatchery component in these large returns is being ignored, that the SARs are still very low and total run size is not a legitimate measure of recovery. Brian responded that they will use recovery metrics developed by the TRTs
 7. Tony Nigro ODFW is assuming that the Interior and Willamette/Lower Columbia TRTs will wind up with the same recommended criteria for measuring recovery. Brian responded that Pilot Study data will go into the analytical approach being developed by NWFSC with the analysis occurring in the FY 2005 Check-in. Tony asked about the status of Performance Standards. Brian responded that Performance standards will be developed in the future through the TRTs and include measures of abundance and productivity. Tony asked for clarification on items 4-7 and Brian summarized what was intended.
 8. Carl Scheeler asked about the intent of item 1 (Key Actions – Dollars). Brian read from the Report under definitions for Key Actions and stated that this time around they are looking for evidence of progress toward implementation rather than results. He further stated that the BiOp is performance based, doesn't require any particular spending level and is not prescriptive.
 9. Rod Sando asked whether there are Key Actions that are not being implemented that CBFWA should produce. Tony Nigro stated that it is not possible to do a critical analysis that will define the Key Actions
 10. Rod Sando asked whether NWFSC is planning to include the restoration of ecosystem integrity in its analysis. Rob Walton said yes. The analysis will be comprehensive, but will rely on subbasin plans for the broader analysis.
 11. Dave Statler said that he is unaware of the connection between the NWFSC and subbasin planning that would be needed to integrate subbasin plans into the NWFSC analysis. Rob Walton said that they are working on it. Dave Statler asked about the timing of subbasin plans relative to NWFSC analysis. Rob Walton responded that the sequence is off for all of them, but was assuming that the subbasin plan goals would not change from the draft documents and they are

- relying on ISRP for judgments on the adequacy of the subbasin plans for local recovery needs.
12. Rod Sando asked how the New BiOp will provide for decisions on additional spending needs. Brian responded that it will influence new spending by pointing out deficiencies. The BiOp does not attempt to direct how money is spent, but rather where needs are not being met.
 13. Rod Sando expressed the concern over underfunded mainstem activities relative to the mainstem's impacts. Rob Walton state that they have not set priorities, but probably should attempt to do this.
 14. Tony Nigro expressed a concern that there is a need to rank criteria, but everyone develops their own list without coordination with others.
 15. Dave Statler stated that CBFWA members must consider non-ESA needs also.
 16. Rod Sando suggested front-end-loading the recovery effort to kick-start habitat work to realize a better long-term benefit at the same cost. Brian agreed, but expressed the concern of "outrunning the headlights". Need infrastructure in place first to handle any accelerated effort.