



May 29, 2002

TO: Wildlife Committee

FROM: Carl Scheeler

SUBJECT: Action Notes for May 22, 2002 Wildlife Committee Meeting

Attendees: Attendees: Paul Ashley (WDFW); Robert Walker (NWPPC); Matt Berger and Jim Smith (CCT)); Carl Scheeler (CTUIR); Loren A. Kronemann (NPT); Susan Barnes (ODFW); Jess Wenick (BPT); Tracy Hames (YN); Maureen Smith (USFWS); Terry Gregory and Mary Terra-Berns (IDFG) and Frank Young (CBFWA).

By Phone: Greg Sieglitz (ODFW) and Amos First-Raised (BPT)

Time Allocation:	Objective 1. FY 2003 Renewal Process	30%
	Objective 2. Rolling Province Review and Subbasin Summaries	0%
	Objective 3. FY 2002 Adjustments	10%

ITEM 1: Crediting of Acquisitions with Active Grazing Leases

DISCUSSION: The WC discussed how crediting had been handled for purchase of grazing leases in their mitigation agreements. Carl stated that the CTUIR agreement on the Iskuulpa property gave BPA protection credit at 1/3 of the baseline HEP HUs for the purchase of leases only for those cover types benefiting grassland species. Tracy reported that the YN agreements provide 100% of baseline credit plus full value for all enhancements, regardless of funding source, above the baseline for purchase of leases in-perpetuity. Paul stated that crediting language in WDFW agreements on DNR lands was the same as for YN agreements except that only those enhancements attributable to BPA funding received enhancement credits. Jess reported that the BPT negotiated a 50% reduction in grazing with BLM for the purchase of leases on the Denny Jones Property. Jess said that the Tribe has also been allowed to temporarily retire individual pastures that are biologically sensitive to allow time for recovery.

ACTION: The WC formed a Grazing Subcommittee made up of Tracy Hames, Paul Ashley and Jess Wenick to develop recommendations on how the purchase of grazing rights should be credited. The Subcommittee is to consider the ideas that no protection credit be provided unless the grazing right purchase is in-perpetuity, credit should be provided only for enhancements which result from reduced grazing and credits should be lost if funding is discontinued. The Subcommittee should examine the Taylor Grazing Act for impediments to the permanent retirement of grazing leases on wildlife mitigation lands.

ITEM 2: **Taylor Grazing Act Impediments to Retiring Leases on Acquisitions.** *Discussion of this item was incorporated into Item 1.*

ITEM 3: **Discussion of General Crediting Issues.**

DISCUSSION: Susan provided an update of the May 13, 2002 meeting with the Council's Wildlife Crediting Subcommittee in Whitefish, Montana. She stated that the CBFWA Crediting Subcommittee discussed the following issues:

1. The concepts of full mitigation and protection credit
2. Comparative case studies throughout the nation highlighting how mitigation ratios are being applied
3. The interim nature of past NWPPC Wildlife Rulings
4. BPA's decision not to implement the Council's 2:1 protection credit
5. The need to require application of the 2:1 crediting ratio to existing agreements for equity

The Council Crediting Subcommittee appeared to understand the issues and instructed staff to hire a professional facilitator to facilitate negotiations between BPA and the managers to develop criteria for use in future negotiations. These future negotiations would be to reach agreement on any variance from the Program language of 2:1 for inclusion in mitigation agreements. BPA's presentation included a review by Joe DeHerrera of project work implemented by BPA throughout the Basin, and a handout listing questions and answers from their perspective which Phil Key talked from in his presentation.

Some of BPA's points of discussion included:

1. There has been no agreement on what to do with the Habitat Unit gains resulting from the hydro-electric facility construction/inundation. (BPA wants credit for these gains)
2. There is a need to address out-of-kind credits that have resulted from projects. (Example cited: conifer forest at Rainwater credited to McNary where there was no conifer forest lost)
4. There is a need to address over-mitigation (Example cited: About 2,500 western meadowlark HUs lost at John Day Dam, about

8,000 western meadowlark HUs gained from Pine Creek Ranch project)

5. HEP is one of many tools and has its limitations
6. If protection is the method of choice, then it should provide BPA with the most credit
7. Still need to account for all the wildlife credits from fish projects. BPA expects that the Regional HEP Team will be resolving the issue of how to credit wildlife benefits resulting from fish projects.
8. BPA has signed agreements that give them 1:1 credit.
9. BPA never received any information on how mitigation ratios were being applied nationally. Their research has always supported 1:1.
10. 1:1 credit for protect is warranted because BPA provides O&M funding, public access, and because the BPA program has allowed the Tribes to purchase lands that they hadn't been able to before.
11. BPA doesn't view MOA "re-opener clauses" as such.
12. BPA doesn't want to lose HEP – it is the only accounting tool they have and is still worthwhile.

The WC also talked about our future strategy. We will provide an update to the Council at their next meeting in Bend on June 11-12th. We will respond to the issues included in BPA's handout and coordinate with Council staff.

ACTION:

- Frank will obtain an electronic copy of Philip Key's handout from the Whitefish meeting and send to Susan.
- Susan will distribute a draft response from the managers' perspective to each of the answers in the BPA question-and-answer handout for WC member review and comment. WC members were asked to send names of potential facilitators to Peter Paquet or Maureen Smith.
- Frank will send an e-mail to Peter Paquet outlining expectations for pursuing a facilitator and scheduling a meeting(s) with BPA.

ITEM 4: Status Report on 2002 Funding for the Regional HEP Team.

DISCUSSION: Paul reported that he had just been informed by BPA that they intended to approve start-up funding of the Team for the 2002 field season by modifying the CBFWA contract to include the new Regional HEP Team objective and the necessary funding as soon as possible. When CBFWA receives written notice a subcontract will be developed with WDFW to distribute the funds. The remaining funds will come through the Quarterly Review and require Council approval.

ITEM 5: Review of the Rice Wildlife Mitigation Unit Interim Agreement.

DISCUSSION: Mary and Gregory presented the Rice Wildlife Mitigation Unit Interim Management Plan for WC consideration and approval.

ACTION: The WC found the management plan to be consistent with the CBFWA O&M Guidelines.

ITEM 7: Letter to NWPPC on Wildlife Budget.

DISCUSSION: Susan will draft a letter from CBFWA to Doug Marker pointing out discrepancies between the managers' and BPA's numbers in the Oregon Coalition budget placeholder and requesting Council assistance in assuring that the differences are resolved in a timely manner. This letter will be discussed at the June 13 MMG meeting.

ITEM 8: Review of ODFW Ladd Marsh Mitigation Plan and WDFW Desert Wildlife Area Site Specific Mitigation Enhancement Plan.

DISCUSSION: The project sponsors stated that they need WC approval on these two plans prior to the next scheduled meeting in order to get funding in a timely manner.

ACTION: Frank was instructed to send out a notice for WC members to review these plans and provide comments to the authors by June 14. The project sponsors will provide e-copies of the plans for the CBFWA website.

ITEM 9: Update on May 21 Members Meeting.

DISCUSSION: WC members that had attended the May 21 Members Meeting briefed the others on decisions made at that meeting.

ITEM 10: Date and Location of Next Meeting.

The next meeting will be June 20-21, 2002 at CBFWA in Portland. We will take care of business items in the morning then load into vans at noon and travel to Corvallis for site visits (box lunch provided). We will then travel to Eugene for the night. We will visit mitigation sites in the Eugene area in the morning and arrive back in Portland by 4 p.m.

Tentative Agenda Items:

- 1. Discussion of Use of RVI Values for Open Water in Reservoirs Developed by NHI.*
- 2. Crediting for Wildlife Values in Anadromous Fish Projects.*
- 3. Develop an Approach to Work with Resident Fish Committee to Develop Recommendations for Allocating a Portion of the BPA Budget for Resident Fish and Wildlife.*
- 4. Review of Pine Creek Ranch Wildlife Mitigation Management Plan – Mark Berry (CTWSRO)*