



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin.

The Authority is comprised of the following tribes and fish and wildlife agencies:

Burns Paiute Tribe
Coeur d'Alene Tribe
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation
Confederated Tribes and Bands of the Yakama Nation
Idaho Department of Fish and Game
Kootenai Tribe of Idaho
Montana Fish, Wildlife and Parks
National Marine Fisheries Service
Nez Perce Tribe
Oregon Department of Fish and Wildlife
Shoshone-Bannock Tribes of Fort Hall
Shoshone-Paiute Tribes of Duck Valley
U.S. Fish & Wildlife Service
Washington Department of Fish and Wildlife

Coordinating Agencies
Columbia River Inter-Tribal Fish Commission
Upper Columbia United Tribes
Compact of the Upper Snake River Tribes

July 6, 2009

Bill Booth, Chairman
Northwest Power and Conservation Council
851 SW Sixth Avenue, Suite 1100
Portland, OR 77204-1348

Dear Chairman Booth:

The Members of the Columbia Basin Fish and Wildlife Authority (CBFWA) are pleased that under the 2009 Fish and Wildlife Program (Program), the Northwest Power and Conservation Council (Council) “will initiate 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.”

The Program indicates that the Council would begin discussions with the wildlife managers, Bonneville Power Administration (BPA), and other interested parties, on or about April 2009. An initial meeting this past winter to discuss the Wildlife Mitigation Crediting Forum (Crediting Forum) was postponed and has not been rescheduled. The Members of CBFWA are ready to assist the Council in chartering the Crediting Forum so the outstanding issues surrounding wildlife mitigation can be addressed at the earliest possible date.

The Members of CBFWA offer the following thoughts for discussions for the creation of the Crediting Forum:

Membership and Business Practices

We suggest that the membership on the Crediting Forum should be open to representation from the Council, the BPA, the fish and wildlife managers, and the coordination entities. While the aforementioned entities need to have access to the discussions creating the Crediting Forum charter, such a large group may prove unwieldy. Thus, we recommend that the Crediting Forum establish sub-regional groups based on hydrofacility working under the guidance of a regional Crediting Forum. For example, a sub-regional group to review wildlife crediting of the Grand Coulee dam could include participants from the Council, BPA, Confederated Colville Tribes (CCT), Spokane Tribe of Indians (STOI), Washington Department of Fish and Wildlife (WDFW), Upper Columbia United Tribes (UCUT), and CBFWA)

The charter should describe the following business practices 1) development of an annual work plan for the Council; 2) meeting rules including frequency of

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meetings; and 3) a clear dispute resolution process. We believe the goal should be consensus crediting recommendations to the Council, which the Council would then include in their Program, but in cases where consensus cannot be reached it should be clear how the final recommendations will be made.

Crediting Ledger

The first priority for the Crediting Forum should be to conduct an inventory of existing credits by facility, sovereign, year purchased (or enrolled in Council Program), baseline credits, and follow-up credits. Technical support can be provided by the Regional Habitat Evaluation Procedure Team (RHT) to help facilitate developing an accurate, up-to-date crediting ledger.

The Crediting Forum should develop clear guidelines on how HUs will be credited, for both existing parcels and for new acquisitions or easements secured in the future. The criteria for crediting found on page 46 of the 2009 Program should be included in the Crediting Forum charter. The process of establishing the crediting ledger should also include recommendations for 1) crediting lands previously held by a government entity that have been or in the future will be enrolled in the Program; 2) lands that have a long-term funding agreement; and 3) assuring a process is in place for reporting compliance with conservation easements.

Once a recommended crediting ledger has been adopted by the Council, the Crediting Forum work plan should include developing recommendations for clear criteria for applying wildlife credits to fish projects. The criteria on page 46 of the Program provide guidance for resolving the issue.

Finally the work plan should include recommendations on how to develop a ledger for operational losses and secondary losses as stated in the Council's Program.

Habitat Evaluation Procedure (HEP) Guidelines

One Crediting Forum task may be to provide guidance or recommend priorities for the RHT annual work plan. As the loss and crediting accounting tool, HEP analyses need to be timely and consistent. We envision the RHT providing a critical function in the crediting process. The Crediting Forum should make recommendations for how often HEP analyses should be conducted following the initial baseline HEP. For consistency, the Crediting Forum should assure that any HEP analysis and subsequent crediting recommendation is either completed by the RHT or reviewed by the RHT leader. The Crediting Forum should also seek technical guidance from the RHT leader for discussions regarding identifying and resolving any habitat unit stacking issues.

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In summary, we offer these ideas for discussion as the important task to charter the Wildlife Mitigation Crediting Forum is initiated. The Members of CBFWA look forward to working with the Council and BPA to implement this portion of the Fish and Wildlife Program in the near future. If you have any questions, please contact Ken MacDonald, CBFWA Wildlife Coordinator, at (503) 229-0191.

Sincerely,

A handwritten signature in black ink, appearing to read "Elmer Ward". The signature is fluid and cursive, with the first name "Elmer" being more prominent than the last name "Ward".

Elmer Ward, Chairman
Columbia Basin Fish and Wildlife Authority

cc: Council Members and staff
CBFWA Members