

**FCRPS BIOP IMPLEMENTATION GROUP
FOR THE COLUMBIA BASIN:
REGIONAL IMPLEMENTATION OVERSIGHT GROUP**

10/31/08

GUIDELINES AND PROCEDURES

I. Basin wide Background

The Regional Implementation Oversight Group (RIOG) for the Columbia Basin has been created for the following reasons:

- Continuation of the Remand Collaboration: Federal, tribal and state governments share jurisdiction over salmon and steelhead trout and related water management issues across the Columbia Basin. In response to court order, these governments have participated in a collaboration process to inform federal Action Agencies and NOAA regarding the development of the 2008 Biological Opinion (BiOp) for the Federal Columbia River Power System (FCRPS) and the federal Upper Snake projects. Priorities for FCRPS BiOp implementation are based on recovery needs, hydro impacts and key limiting factors
- Broader Recovery Context: The 2008 BiOps reflects the comprehensive life-cycle and “all H” approach that have been advocated by the ISAB, the federal caucus, NOAA and others. They will necessarily be implemented within a broader recovery and basin wide context, including linkage to the Columbia Basin Fish Accords, Northwest Power and Conservation Council’s Fish and Wildlife Program and NOAA’s ESU-based recovery plans. All of these programs (BiOps, Fish and Wildlife Program, and NOAA recovery plans) must be coordinated with tribal sovereigns, state and local governments, and citizen organizations to be successful.
- Ecosystem (All H) Approach: Sovereign entities are also linked by the Columbia River ecosystem. Actions taken in one geographic area need to consequential impacts on other regional interests. An “ecosystem” approach must be applied and, where possible, efforts must be made to avoid impacts where possible and to minimize or mitigate for any unavoidable adverse impacts. Federal, tribal and state governments can benefit from continued collaboration in overseeing the implementation of the FCRPS BiOp within the broader context of region-wide ecosystem management.
- Species-level Focus: The RIOG will consider results and adaptive management at the species, or ESU/DPS, level. While programmatic considerations may occur from the perspective of hydro, habitat, hatchery and harvest actions, and RMR

information may stem from the population level, status and trend information is analyzed at the species level, consistent with ESA guidance.

II. Purpose and Sovereign Participants

As described in the BiOps and related documents, the RIOG is established to provide a high level policy forum for discussion and coordination of the implementation of the FCRPS and related BiOps between the federal agencies on the one hand and states and affected tribes on the other hand. The overall purpose of the group is to inform federal, state and tribal agencies that are actively engaged in salmon recovery efforts regarding implementation issues from each sovereign's perspective. In doing so, the RIOG will serve as a forum where Basin-wide policy issues and concerns related to the implementation of the BiOps, including impacts on other Basin-wide basin programs and interests may be discussed in a collaborative manner, and to provide a forum for enhanced accountability and transparency.

The RIOG will consist of designated senior policy representatives of each of the following:

- Five regional federal agencies: NOAA, BPA, Reclamation, Corps and the US Fish and Wildlife Service.
- Four state governors: Montana, Idaho, Washington and Oregon;
- Colville, Spokane, Kootenai, Warm Springs, Umatilla, Yakama, Nez Perce, Kalispel and Salish-Kootenai tribal governments¹.

However, no agency or sovereign is compelled to participate in the RIOG because participation is by interest and choice. Some sovereigns may not have enough interest in implementation of the BiOps to warrant participation.

All decisions under the authority of the federal government will continue to be made by the appropriate federal agency with the statutory authority to make such decisions. The RIOG is a forum for interagency coordination and does not supplant existing federal, state or tribal decision-making authorities.

The RIOG, as a policy oversight committee, replaces key functions currently provided by the Executive Committee and the Implementation Team (IT) of the NMFS' Regional Forum, but is broader, in that it covers what are commonly referred to as "All Hs" -- hydro, habitat, hatcheries, harvest, predator management, and RME. When the RIOG is operating to resolve policy disputes elevated from technical teams, these meetings will be open to the public, similar to the current IT meetings.

As needed, the RIOG may establish coordination teams at the senior technical and/or technical levels and make assignments on various topics. These senior technical groups will not be standing committees, but will meet as convened by the RIOG or the Action Agencies.

¹ All Columbia Basin Tribes are invited to participate

Technical and in-season management related to the implementation of hydro operations under the BiOps will continue under the current technical teams of NMFS' Regional Forum, including the Technical Management Team (TMT) and the System Configuration Team (SCT). Overall coordination on longer-term hydro issues will occur through a new senior technical team called Hydro Coordination Team. These teams will operate within and the parameters of the FCRPS and related BiOps in order to achieve the established performance standards

As needed, the RIOG may refer policy issues for Executive level discussions among the sovereigns. However, these instances are expected to be rare, as the intent of the RIOG is to discuss and resolve major policy issues.

A member of the Columbia Basin Federal Caucus will chair the RIOG. The RIOG will not have separate staff, and will not duplicate the efforts in the region provided by the Council and NOAA.

A diagram showing this structure is attached. (Attachment 1).

III. Scope

The RIOG will be utilized as a forum to:

- jointly and thoroughly discuss issues that arise in the implementation of the 2008 FCRPS BiOps;
- provide an opportunity for input to inform federal decision-making on these issues;
- resolve policy disputes that arise at the technical team level;
- notify state and tribal partners of the decisions that the federal government has or has not made as they relate to these issues, including how the state and tribal input was used in the decision-making process;
- focus on the longer term implications of short term management actions;
- make the necessary links to other "H"-team efforts in the recovery process;
- jointly develop criteria to support decisions or changes to current management practices;
- identify opportunities for improved coordination and partnerships to increase efficiencies and avoid unnecessary duplication;
- increase awareness and include consideration of BiOp actions on non-listed species, cultural and other resources, and the multi-purposes of the FCRPS and the competing needs with the Columbia River Basin; and
- facilitate an open communication process that can keep the public and other agencies informed of on-going progress and the rationale behind the decisions that are made through the RIOG.

In particular, the RIOG will coordinate regarding:

- annual and comprehensive progress reviews of FCRPS BiOp implementation.

- adaptive management, based on an All-H diagnosis, progress reports and RME results
- ESU Status Review reports from NOAA Fisheries, available every five years.

NOAA Fisheries must concur with proposed changes to FCRPS BiOp RPA measures through adaptive management.

IV. Meetings

Only designated representatives or their alternates will be seated at the table and be allowed to participate in discussions or make proposals. Other sovereign representatives may attend as observers.

RIOG meetings will be held quarterly in Portland and in venues throughout the Columbia Basin (for example, twice a year in Portland and once a year in Spokane and Boise)

Meeting agendas will be developed by the RIOG chair with member input, and distributed to the members prior to the meeting. Members wishing to include an issue for decision on the agenda should provide a statement of the issue to be distributed with the agenda. Materials to be handed out at the meeting will be faxed to members participating by phone before the meeting starts.

Notes will be taken at all RIOG meetings. The notes will be provided to members along with the agenda and materials for the next meeting, and approved at that next meeting. Meeting materials and notes will be posted on the FCRPS BiOp Implementation website.

V. Dispute Resolution

Issues and concerns that arise during implementation of the FCRPS and related BiOps will be resolved informally, and may include meetings among sovereign principals. Given the common objective of the regional sovereign process, the RIOG will be apprised of the nature of the dispute and its resolution. However, all decisions under the authority of the federal government will continue to be made by the appropriate federal agency with the statutory authority to make such decisions. The RIOG is a forum for interagency coordination and does not supplant existing federal, state or tribal decision-making authorities.

By participation in the RIOG, no entity in any way waives, alters, or diminishes its authority to provide resolution through other means, unless specifically constrained from doing so by other agreements. Likewise, all policy decision by the RIOG can be appealed to the appropriate federal Executive for further consideration.

Agencies and Sovereigns may terminate participation in the RIOG thirty days after providing a written notice by letter of their intent to terminate participation.