

IMPLEMENTATION TEAM MEETING NOTES

November 7, 1996, 9:30 a.m.-3:30 p.m.
NATIONAL MARINE FISHERIES SERVICE OFFICES
PORTLAND, OREGON

I. Greeting and Introductions.

The November 7 meeting of the Implementation Team, held at the National Marine Fisheries Service offices in Portland, Oregon, was chaired by Donna Darm and Brian Brown of NMFS. The agenda for the November 7 meeting and a list of attendees are attached as Enclosures A and B. The following is a summary (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items.

II. Updates

A. In-Season Management. As we are not currently in-season, no update was presented on this subject at the November 7 meeting.

B. PATH. Chris Toole of NMFS distributed Enclosures C and D, a peer review draft of PATH's "Conclusions of FY'96 Retrospective Analyses" and a schedule of the main tasks currently facing the PATH process, respectively. As you'll recall, Toole began, in September, the PATH group prepared a draft report on the retrospective analysis portion of our task.

At the IT's convenience, Toole said, we would like to spend two or three hours briefing you on our progress, the next time there is space on the IT agenda or at a separate meeting.

Essentially, he continued, the draft retrospective analysis report was distributed nationally for peer review; once those comments were received, we held a workshop in October to incorporate them into the draft, to develop a summary of the conclusions from each of the dozen or so chapters of the retrospective analysis report, and to identify the additional information and research activities we feel are necessary to lend weight to those conclusions.

The second thing we did at the October meeting was to meet with representatives from the Independent Scientific Advisory Board (ISAB), who presented information from their recently-released report, Toole said. We also spent some time discussing the relationship between the PATH and ISAB processes. That's an ongoing discussion, but the interaction we had at the October meeting was, I think very useful to everyone involved, he continued.

The third purpose of the October meeting was to plan PATH's upcoming activities in detail, said Toole, drawing the IT's attention to Enclosure D. Between now and March, the main task we see before us is to wrap up the additional analytical work we feel is necessary for the retrospective analysis. PATH's second major task is to lay the groundwork for the analysis of fall chinook data, with the goal of preparing a draft retrospective analysis report on fall chinook by the spring of 1997. The third major task is to begin assembling data for a similar report on steelhead, Toole said. The fourth major task, and the one on which we'll probably spend the most time, is the prospective analysis for spring/summer chinook. This will include the identification of the changes in survival needed to achieve the NMFS standard of survival and recovery for these populations, and the development of a decision analysis framework that will allow us to compare the alternative management actions and changes in survival associated with those management actions.

We hope to have this analysis completed, at least in preliminary form, by March, Toole explained, at which point we plan to hold another workshop to review the prospective analysis. The remainder of the year will be devoted to completing the prospective analysis of spring/summer chinook and the retrospective analysis of fall chinook data; we'll also begin the fall chinook prospective analysis, and will make whatever progress we can on steelhead as well. The final report on PATH's FY'97 activities will be completed in October.

A word about the "Conclusions" document (Enclosure C), said Toole -- this is the closest we've come to date to a common understanding of what we can conclude from the existing data, and what new data needs to be obtained in order to resolve the remaining uncertainties. Getting this document into print has been an extremely painful process, he said, and we're pleased to finally have it done in reviewable form. We welcome any comments you might have.

In response to a question, Toole said that, while the group is assuming that the approaches used for other species should apply equally to sockeye, the lack of life history data on sockeye puts that species at the lowest rung of PATH's priority list. If the IT feels that's the wrong direction to take, you need to let us know as soon as possible. At the moment, however, we have no activities specific to sockeye planned for 1997, Toole said.

BPA's Jim Gieselman added that it is rumored that PATH may be asked to help with the modeling and analysis of some of the measures to be considered in the re-opening of the Power Planning Council's Fish & Wildlife Plan this spring. If those rumors are true, Gieselman said, that will very much affect the schedule of PATH activities Chris has just laid out. If that does happen, we'll have some further discussion about how to accomplish those analyses without derailing PATH's current schedule, promised Darm. The IT doesn't want PATH to get sidetracked.

C. Independent Scientific Advisory Board. ISAB coordinator Chip McConnaha distributed Enclosure H, a proposal for the study of questions raised on the effects of flow provisions for the

Biological Opinion on resident fish at the Hungry Horse and Libby projects. This document was prepared in response to two questions raised by the IT in March 1996, McConnaha explained:

? Does available evidence/analysis demonstrate that resident fish populations are at risk of extinction in Libby Reservoir? in Hungry Horse Reservoir? If yes (or maybe),

? Does available evidence/analysis demonstrate that the Biological Opinion operations increase the risk of extinction of resident fish in Libby Reservoir? in Hungry Horse Reservoir?

Efforts to further refine these questions have been less than successful, McConnaha said, and as a result, the ISAB has decided to simply define the scientific question, from their point of view, that would also apply to the management question being asked by the IT. The bottom line, said McConnaha: we broadened the simple question about risk of extinction to an evaluation of the type and extent of the ecological impacts of the Biological Opinion operations on resident fish in the Hungry Horse and Libby systems, including the potential for increasing the probability of extinction. We also recognized the possibility that some of those impacts may not occur in the reservoirs, so we included the river systems that those reservoirs are a part of as well.

As you can see from the document, we divided this task into two sections: a description of the ecology and life history of resident fish in the reservoirs, and an examination of the models and other information used to predict survival, McConnaha said. The schedule for this effort reflects the hope that it will help guide 1997 operations. The target date for the draft report is March 1997. If that is not sufficiently responsive to the IT's needs, said McConnaha, let us know, and we'll try to adjust the schedule.

Tim Hall and Joe Dos Santos of Montana both said that the ISAB's suggested approach is a good beginning. Several IT members raised suggestions and concerns about the ISAB's plan of action; after some minutes of further discussion, Darm summarized them as follows:

? To make sure that the ISAB has discussions with the broadest possible group of experts on the resident fish front

? To ensure that the baseline for comparison of changes expected under 1997 flow provisions and evidence of benefit or risk is the pre-Northwest Power Act operation

? To be sure the ISAB doesn't simply render an opinion about whether or not there is risk to resident fish under the proposed operation, but that it tries to quantify the magnitude of the risk.

McConnaha said he would convey these comments to the rest of the ISAB; it was agreed that a

written memo from the IT was not necessary. The second part of the question is how we can guide the ISAB, so that their ultimate work product is as useful as possible to the IT, said Tom Cooney of WDFW. McConnaha suggested that the ISAB present its preliminary findings at the IT's December meeting; comments provided at this meeting will guide the ISAB in the preparation of its written report on this subject.

The other issue I wanted to bring to the IT's attention is the list of issues scheduled for ISAB consideration during the coming months, said McConnaha. This isn't a formal workplan, but the main topics currently on the ISAB's table include:

- ? The Libby/Hungry Horse resident fish analysis
- ? A review of the Lake Pend Oreille draw-up experimental design
- ? The impact of Dworshak reservoir operations on Snake River fall chinook analysis and analysis of ecological impacts
- ? The development of a framework for the Council's Fish & Wildlife Program, in advance of the re-opening of that program in early 1997, incorporating some of the ideas suggested in "Return to the River"
- ? Review of the Multi-Year Implementation Workplans
- ? A review of the experimental design of a PIT-tag survival/transportation study -- the "Idaho PIT-tag study"
- ? A review of the annual Dissolved Gas Monitoring Report

Finally, the 500-pound gorilla, from the ISAB's standpoint, is the Gorton amendment to the Northwest Power Act, said McConnaha. At this point, we don't know what effect that will have on our workload, but the anticipation is that the scientific review panel called for under the Gorton amendment will be composed largely of members of the ISAB. There is going to be a requirement that those members participate in the project review process the Gorton amendment lays out.

It sounds as if the ISAB is going to have a very full plate, said Arndt -- how do we wrestle with the timeliness issue, when there are research questions that need to be resolved ASAP? That's a very real problem, replied McConnaha -- obviously, we're still feeling our way, in terms of how the ISAB is going to operate. The queue is getting longer, and once the Gorton amendment kicks in, timely response is going to become more and more problematic. We're going to have to sit down and prioritize these tasks, and develop a workplan with some fairly rigid timelines attached, he said. And the region needs to be aware of those constraints in assigning tasks to the ISAB.

When you say "we," said Rob Lothrop of CRITFC, who exactly do you mean? The ISAB and the Executive Committee, McConnaha replied. Would it be possible for the ISAB to follow the example of the 9th Circuit Court, and assign smaller panels to deal with specific problems?

suggested Arndt. Not only that, said Darm, the ISAB also has the option of hiring whatever contract help it needs. And that is something we've discussed, McConnaha said -- there is a growing awareness that there is no way we're going to be able to handle each of these issues in a full-group context.

Lothrop raised the question of tribal interaction with the ISAB. He suggested that, at tomorrow's scheduled MOA discussion, the group could address the final paragraph in the MOA which refers to consultation with the ISAB. Perhaps some portion of that group could be delegated to draft an issue paper covering a tribal liaison with the ISAB, he said. Sounds good to me, replied Darm.

D. Dissolved Gas Team. Mark Schneider, DGT chairman, reported that the DGT Guidelines have now been finalized and approved; he distributed copies of this document to the IT participants (Enc. E). These guidelines, like those from the TMT and SCT, will all be considered in the context of the IT's Rules and Procedures document before they're officially considered final, added Darm; in the meantime, they will function as interim guidelines for the DGT.

Schneider distributed Enclosure F, a background sheet on the issue raised from the DGT for IT consideration, namely:

? Is a biological justification analysis, consisting of extensive modeling and research activities, a necessary component of COE's Gas Abatement Program? (see Enclosure F for background on this issue, as well as arguments for and against biological GBD research).

The IT spent some minutes discussing this issue. Essentially, explained Doug Arndt, what the Corps is asking is, given the impossibility of meeting the 110% TDG standard under all flow conditions, and the daunting cost of the available gas abatement options, the Corps would like to have the best possible mortality risk information to support its DGAS program decisions. If an additional \$150 million expenditure reduces TDG by only two or three percent, is that a worthwhile investment from a fish survival standpoint? he asked. Are we making these decisions in order to protect the fish, or just to achieve a physical standard? To put it into the form of a policy question, do the decision criteria on which we're going to expend a lot of money include the best available biological and physical information? Or do we as a region say, we're going forward with these activities absent the best biological data we can get, relying instead on water quality data? said Arndt.

Others, such as Tony Nigro of ODFW, argued that the focus of the Corps' effort should be to minimize TDG, period, and that money spent on further research into the precise TDG levels that

are harmful to salmonids at different projects would be better spent on measures to reduce TDG. Fair enough, said COE's Bob Willis, but from the Corps' perspective, if the goal really is to produce biological benefits for fish, we feel more biological research is needed to tell us where we'll get the most bang for our buck. However, if the underlying goal of this effort is to allow the Corps to justify not meeting the 110% standard, then I think the money for this research would be better spent on gas abatement measures, replied Dick Wallace of the Washington Department of Ecology.

Ultimately, Darm requested that the Corps make a commitment not to expend funds on research until the IT has had further opportunity to resolve this issue. Willis pointed out that \$2.8 million has been allocated for these activities in FY'97; these funds are to be used for the purchase of a remote operating vehicle (ROV) and for deep tank design. We need to push ahead with both activities, he said -- to delay those means that we don't do them.

Brown said that, in his mind, it was not clear how these two expenditures would help the region make decisions about how to allocate its resources. Rob Lothrop suggested that the Dissolved Gas Team and System Configuration Team look at the suite of structural measures under consideration, the range of costs associated with those alternatives and the value each of the alternatives could be expected to add in terms of both physical TDG reduction and biological benefits to fish -- to plug the research proposals and the structural proposals into a decision model, in other words. We can take a look at that, agreed SCT co-chairman Bill Hevlin.

To refine that further, said Darm, it seems to me that the first thing the two groups need to do is to look at the available physical options -- that's step 1. Step 2 is to decide what biological information would be useful in making choices among those options. Step 3 is to determine whether or not we have the information we need, and step 4 is to decide, if we don't have it, can we get it? It was agreed that Tom Cooney would lead a lunchtime discussion of how to frame this issue for SCT/DGT/PATH consideration.

The discussion returned to the question of whether or not to move ahead with the Corps' planned expenditures on the remote operating vehicle and deep tank design. After a few minutes of further debate, it was agreed that the ROV purchase process should proceed immediately, while the start of the deep tank design work should be delayed for one month, until it can be discussed at the next IT meeting.

The next item under the DGT update was the ongoing effort to develop a Memorandum of Understanding to replace the annual TDG waiver process. Schneider distributed Enclosure G, a second issue paper outlining the following question:

? Do members of the Implementation Team support the drafting, negotiation and signing of an

MOU to clarify roles and responsibilities for dissolved gas management, including research, monitoring and long-term gas abatement measures, thereby providing a basis for issuance of multi-year waivers to state water quality standards for dissolved gas levels necessary to implement the NMFS Biological Opinion on the operation of the FCRPS? (see Enclosure G for details on the background, objectives and benefits of the MOU).

At the last DGT meeting, the Corps requested that there be a discussion at the IT level of the MOU's objectives and benefits, Schneider explained. Are the states in fact talking about multi-year waivers? asked Arndt. Yes, replied Wallace -- we're in the process of going through a rulemaking on our water quality standards to allow for that. We won't be able to get that in place for the upcoming season, but we should be able to have that in place for 1998. Oregon? asked Arndt. We have been directed by the chairman of ODEQ that we are not to sign a multi-year MOU at this time, replied Gene Foster of ODEQ. However, discussion at the most recent commission meeting in Astoria indicated that, at a time when the commission feels more comfortable with the MOU, they may be willing to allow Oregon to participate -- in other words, there has been some movement in a positive direction recently.

Obviously, we're not going to be able to get that waiver in place before the 1997 season, so we have more than a year to work out the issues that Oregon is concerned about, said Schneider. NMFS will be participating in ODEQ's commission meetings to respond to any questions they may have pertaining to dissolved gas management. Will the MOU include other state and tribal entities as well? asked Arndt. Idaho has been participating in our DGT meetings, and we have invited participation from the other regional entities as well, Schneider replied.

So Oregon is participating in the MOU development process, but is unable to sign it at this time? Arndt asked. That's correct, Foster replied. And that's pretty common when it comes to negotiated agreements, said Darm. We support negotiating and drafting the MOU -- we're just unable to sign it at this time, said Tony Nigro -- ODEQ has questions about such an agreement, and what the deliverables will be. The same is true of all of us, said Darm.

It's just that MOUs are horrendous things for the Corps, said Arndt -- we have to get them signed in Washington, at the Army level, and that is an extremely difficult process. Is the Corps' concern the stipulation that, eventually, as a condition of the MOU, it will have to commit to meeting the 110% TDG standard? asked Michael Newsom of NMFS. You can't guarantee meeting the 110% standard under any and all conditions, without spending billions, replied Arndt.

Wallace suggested that the IT recommend that the MOU discussion go forward at the DGT level. Everyone agrees that we need to lower TDG in the system, and that 110% should be the target, he said. The standard certainly allows for some flood flow events where the 110% cannot

be met -- let's keep the discussion moving forward on a cooperative level, and we can evaluate the results of that discussion later.

The thing to bear in mind is that the Columbia is on our 303(d) list of waters not meeting state standards, Wallace continued.

One of the benefits of this MOU is that it would provide an "off-ramp"-- if we had the basic data analysis, an implementation mechanism, a reasonable time-frame for getting gas reduction measures in place and a monitoring plan, we could de-list the Columbia for total dissolved gas. That's a major benefit in terms of meeting the Clean Water Act. We recognize that the regional salmon recovery budget is extremely tight, and there are many other priority items, Wallace said. But this is a good-faith effort on our part, and on the part of all of the other entities participating in the MOU process, to work cooperatively to find a permanent fix for the system's dissolved gas problems. In offering a multi-year waiver, and the possibility of removing the Columbia from the 303(d) list, the state of Washington is offering some pretty substantial concessions.

Does this agreement have to be an MOU? asked Darm. Or would a plan of action or letters of intention serve the region's purposes adequately? We're not hung up on what we call this agreement, Wallace replied, but we do need a formal commitment in return for a long-term TDG waiver. That's ODEQ's position as well, said Foster. The tribes are also strongly supportive of this effort, added Bob Heinith.

After a few minutes of further discussion, the IT recommended that the DGT continue to pursue development of a plan of action that will lead to a formal agreement to reduce total dissolved gas in the Snake and Columbia Rivers, in return for multi-year dissolved gas waivers from the states.

Arndt provided a brief update on the Corps' grouting plans at Dworshak Dam in 1997. This effort will require us to reduce the reservoir level at that project to a maximum of 1530 feet by August 15, 1997, and will require the pool to be reduced further to elevation 1500 feet by mid- September, he explained. Dworshak pool elevation would have to be maintained at no higher than 1500 feet until at least early December, after which we would resume normal winter operations.

Heinith referred back to the issue of temperature control at Dworshak hatchery, raised at the October IT meeting. I'd like some clarification about this issue, specifically in reference to the System Configuration Team's 1997 budget priorities, he said.

The tribes feel that the funding of the requested temperature control measures should be a high priority under the Corps' general construction budget, he said. However, this item has not yet been prioritized under the FY'97 budget, said Hevlin.

After some minutes of discussion, the IT agreed that temperature control improvements at Dworshak Hatchery should receive a high priority, especially given the impact of the Dworshak grouting effort on operational flexibility at that project. There was some question, however, about the budgetary category to which this \$1.2 million project should most appropriately be assigned. It sounds as if there isn't agreement at this level that this properly belongs in the Corps' FY'97 budget, said Darm. However, the money is there to do it in FY'97 -- it's just a question of which pot it comes out of -- O&M, or some other budget category. The IT could recommend to the MOA participants that this is something we think should be funded, as long as it is prioritized within the overall Columbia River Fish Mitigation budget, she said.

E. System Configuration Team. Hevlin revisited the question, elevated from the SCT at the last Implementation Team meeting, of funding for two new barges in FY'97. At that meeting, the IT asked the SCT to consider three questions. The first question was whether or not some of the savings and slippage in the Corps' FY'97 CRFM budget could be restored. The second thing you asked us to do was to revisit the SCT funding priority list for FY'97, to determine whether there were projects that would produce greater biological benefits to fish than the benefits the additional barges could be expected to yield. The third question was, would the \$2.4 million earmarked for barge construction be more effectively used as a contingency fund to cover cost overruns.

In answer to the first question, Witt Anderson reported that the Corps cannot guarantee that savings and slippage can be restored, Hevlin said. In response to the second question, the SCT used Bob Heinith's list of suggested additional projects as the basis for its discussion. One of the items suggested in the list was that this money could be used to expedite surface collection development at John Day Dam; another suggestion was that it could be used to advance adult passage improvements. On the adult passage question, COE Walla Walla said no additional funding is needed for the Lower Snake projects. For the Lower Columbia projects, COE Portland said it could use an additional \$200,000, which would double its budget for adult passage improvements in FY'97. As for accelerating John Day surface collection, the Corps said it has adequate funding -- \$3.1 million -- for FY'97. In terms of the third question, whether this money should be held back as a contingency fund, our response was that there are already several soft areas in the FY'97 budget -- in other words, there may already be adequate flexibility to accommodate any unexpected cost increases, Hevlin said. One "soft" area, for example, is the \$3 million allocated to investigation of John Day drawdown biological studies -- we have not yet finalized all the ways that money will be used. The same is true of the \$2 million set aside for dissolved gas studies. So there is enough cushion there to allow you to provide the additional \$200,000 requested by the Portland District for adult passage improvements? asked Brown. Yes, Hevlin replied.

So given all these factors, Hevlin said, NMFS supports the Corps' recommendation to fund the construction of the two additional barges in FY'97, unless a higher biological priority is identified for that \$2.4 million between now and then. To ensure that the barges are on-line for the 1998 migration, the Corps needs to award the contract by December 1.

Anything to add, Jim? asked Brown. Only that we spent the entire morning talking about this at the last SCT meeting, Ruff replied. There was general technical agreement that, given the low

numbers of outmigrants expected over the next couple of years, there may not be a biological need for additional barges in FY'98; beyond that, however, it's an open question. The barges would be an insurance policy for future years, in other words -- one argument put forward at the meeting was that we should build them now, while funds are available, as long as nothing else drops off the table. These additional barges will allow 100% direct loading at Lower Granite and 50% direct loading at Little Goose, and will also produce lower fish densities in the barges during peak migration periods, added Hevlin.

The IT spent several minutes debating the barge funding issue, with several participants expressing misgivings about the project. Ultimately, Brown asked the representatives of the various state, tribal and federal entities at the table to state their positions for the record. As long as adequate money is available to fund the other measures approved in the SCT's list of priority projects, then Washington will not object to funding the barges, said Tom Cooney. If funding for the other projects is not assured, Washington will object to the additional barges.

The tribes do object to the new barges, said Lothrop. They don't think transportation is the recovery solution the region should pursue, and they think the \$2.4 million could be more productively spent elsewhere. Do they want to call for a special Executive Committee meeting to discuss the issue before December 1? he asked. I doubt it. Do they want to be able to say, in the future, that they have some problems with how things are working in this process? Yes, Lothrop said. We don't really have a dispute resolution process with which the tribes feel comfortable, so a special Executive Committee session is unlikely to be productive. However, I doubt the tribes will file a lawsuit over this.

Oregon won't call for a special Executive Committee session either, said Tony Nigro. However, we would like our objection to the barge expenditure to be noted for the record -- Oregon would prefer that the \$2.4 million be held as a contingency fund. Idaho? asked Darm. Idaho supports the Corps' proposal to construct the barges at this time, said Jim Yost. In view of the time-frame involved, and the lack of alternative projects that are likely to produce greater biological benefit, Idaho thinks barge construction should proceed. Montana abstains -- we don't really have a position on this issue, said Tim Hall.

Given your responses today, I expect that NMFS will probably recommend that the Corps go ahead and complete the barge construction contract, Darm said.

One last issue under this agenda item, said Brown: Bonneville sampler design. As you'll recall, he said, BPA had agreed to fund the design of a Bonneville sampler, with the understanding that, once design work was completed, the Corps would fund the sampler's construction. The \$1.2 million in the FY'97 budget covers the last year of a multi-year contract to complete that design work. During the CBFWA ranking process, said Brown, this item was thrown out as

something the Corps should fund; there was a conference call a couple of weeks ago to discuss how to fund this item, since it is now no longer in either BPA's or the SCT's FY'97 budget. It was decided that Bonneville would meet their commitment to the Corps and cover the \$1.2 million cost, and that design work is now proceeding. The only remaining issue, said Brown, is to decide what category to assign that money to within BPA's budget.

I would add that, although we're allowing that design work to move forward, that doesn't mean the tribes do not object to this project, said Lothrop. We have serious concerns about the way the Corps is approaching the Bonneville project: putting its emphasis on Powerhouse 2, and on PIT- tag facilities. This may be the subject of an eventual lawsuit, Lothrop said, but we won't try to stop it at the engineering stage. From the tribes' perspective, there are some real technical issues that need to be resolved at Bonneville. And that's on SCT's agenda, said Ruff.

III. Assignments From the Executive Committee -- Emergency Operations and Procedures, Rules of Procedure, 1996 Operations Review, ISAB Priorities, MOA Implementation.

Discussion of these agenda items was deferred until the next IT meeting, with the exception of the 1996 operations review (tabled until the IT's December 5 meeting) and a brief update on the MOA discussions. As these move toward final signature, said Darm, these discussions involve the Council and the tribes -- the state fish and wildlife agencies were not participating. There was nothing intentional on the part of the federal agencies in this; the tribes were emphatic in their desire to participate in these discussions. I would suggest that the state fish and wildlife agencies and anyone else who wants their voice to be heard in the MOA development process work with their Council members to ensure that their input is provided, said Darm -- certainly I have no objection to the state fish and wildlife agencies participating.

IV. Next IT Meeting Date and Approval of Minutes for October 3 IT Meeting.

The next Implementation Team meeting (to discuss the rules and procedures and other assignments from the Executive Committee, as well as the agenda for the EC's December 10-11 meeting) was scheduled for Thursday, November 21 from 9:30 a.m.-3:30 p.m. at NMFS's Portland offices. The December IT meeting was set for Thursday, December 5. Meeting notes prepared by Jeff Kuechle, BPA contractor.