



## DRAFT Meeting Minutes

### PRCC Hatchery Subcommittee Conference Call

Thursday, March 19, 2009  
9 a.m. to 1:00 p.m.

#### PRCC Hatchery Subcommittee Members

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Kris Petersen, NMFS	Bill Gale, USFWS
Jerry Marco, CCT	Russell Langshaw, GCPUD
Tom Scribner, Keely Murdoch, YN	Carl Merkle, CTUIR
Kirk Truscott, WDFW	

#### ATTENDEES: (\*Denotes PRCC Hatchery Subcommittee Member)

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Kris Petersen, NMFS*	Bill Gale, USFWS*
Keely Murdoch, YN*	Jerry Marco, CCT*
Kirk Truscott, WDFW*	Russell Langshaw, GCPUD*
Curt Dotson, GCPUD	Tom Dresser, GCPUD
Denny Rohr, Facilitator	Richelle Beck, Recorder
Bill Tweit, WDFW	

#### Action Items:

- Regarding SOA 2009-2, Rohr agreed to draft the sense of the discussion and send to the committee members prior to the PRCC meeting next week.
- Regarding extension letter, Langshaw agreed to incorporate comments and send out a new draft for review.
- Langshaw will send copy of new Status Report to Rohr so he could pass it on to committee members ASAP. Committee members agreed to provide comments within a week or so.
- Langshaw agreed to compress the Summer Chinook presentation and post it for review on the Grant PUD website.

#### Decision Summary:

- Committee members unanimously approved SOA 2009-1; Rohr will discuss with the PRCC.

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- Committee members did not approve SOA 2009-2; Rohr will discuss with the PRCC.
- The committee unanimously approved SOA 2009-3.
- The committee elected to defer the Summer Chinook PowerPoint presentation to the next meeting due to lack of time.

## Meeting Minutes

### I. **Welcome and Introductions** – Rohr welcomed attendees.

### II. **Action**

**A SOA 2009-1** (Fall Chinook marking at Priest Rapids Hatchery): Langshaw stated he modified the submittal date to March 13, its distribution date. All else was unchanged. The committee approved SOA 2009-1 unanimously.

**B SOA 2009-2** (Fall Chinook marking at Priest Rapids Hatchery): Langshaw again stated he modified the submittal date to March 13. Discussion by the committee indicated there was not unanimity among committee members on this SOA. Murdoch stated the Yakama's policy opposing 100% mass marking w/adipose clip. Due to the **selective harvest enormity of the** implications for this action, they felt it should be discussed within the US v OR forum first. With US v OR approval, the Yakama's would be more comfortable agreeing to this SOA. Petersen stated the purpose of this SOA is to manage brood stock and monitoring, which is consistent with other processes. NOAA was hoping something would have come out of the recent conversations between WDFW and the Yakama's. Tweit responded they understand the Yakama's concerns. He added there is a footnote in US v OR that talks about the level of discussions. If there were technical issues for wording, they would be interested in the Hatchery Sub-committee comments, recognizing the policy implications. After the committee voted and did not reach consensus, Murdoch asked that the issue be elevated to the Policy Committee. Langshaw reiterated Grant PUD's position that the decision for the type of mark is premature. Decisions about broodstock management and marks for the M&E plan need to be completed before the marking strategy can be finalized. Rohr agreed to draft the sense of the discussion and send it to the Hatchery Sub-committee prior to the PRCC meeting next week where he will be discussing this item.

### III. **Action - Draft FERC Letter Requesting Extension of Time (EOT) Re: HGMPs, APP, and M&E Plans:** The committee reviewed the March 10 draft, of which Petersen stated she had sent comments prior to the meeting. She stated she will need to consult with the NOAA Hydro Division and NOAA General Counsel as changes are made to the letter, which will take at least a

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week. The committee agreed to move through the letter to consider making changes. Petersen suggested the draft letter mention an implementation schedule, which some other committee members agreed with. Petersen stated the issue of concern is that additional time to develop plans may alter program implementation and NOAA wants assurance this will not be the case. Dresser stated the PUD was uncomfortable with setting an implementation schedule because the key upfront steps that will eventually be identified in the HGMP have not been completed yet, and providing a timeline at this time is premature. What the PUD is asking from the committee is support for a timeline of the HGMP's under development. Truscott stated they recognize the PUD doesn't have control over the permitting process, but they are looking at this letter as a commitment from the district to continue forward movement, as well as a commitment to begin construction of these facilities at a point when the permits have been awarded. Murdoch agreed. There were suggestions from committee members of how to include a timeline in the letter without assigning a specific target date, such as vague wording ("will begin after receiving approval") or a caveat included in the timeline stating that this timeline is subject to change. Dresser stated FERC tends to be very specific and the PUD is unsure how to include something in the letter that has so much uncertainty. In addition, FERC is not asking for an implementation timeline, they are asking for HGMP's, Artificial Propagation Plans, and M&E Plans. The PUD's desire is to make a commitment to the Hatchery SC without having to include a specific timeline in the letter. Dresser stated the PUD is doing everything they can to prepare for the eventual groundbreaking. While moving through the process of the HGMP's, the PUD will continue to move forward on the permitting process and the preliminary designs. Dresser stated they are working to improve their communication with the Committee members to keep them up to speed on progress being made. Dresser suggested the group focus on reaching consensus for a timeline on HGMP completion and elevate the implementation schedule issue to the PRCC. Committee members did not agree to elevate the issue, hoping to resolve the issue within this forum. After further discussion of possible ways to compromise, and still finding no agreement, the members agreed to move through the rest of the letter and come back to this issue at a later time. Truscott stated it is unlikely WDFW can agree to anything at this meeting anyway. They have a meeting scheduled with the PUD next week and will discuss it further at that time. Petersen asked that the record reflect NOAA's willingness to work within the committee to draft this letter and it is Grant's request to take it to PRCC. During the course of this overriding issue, additional comments and/or changes were made to the letter or in regards to the letter. They are listed as follows:

- Truscott mentioned the first sentence of the last paragraph and its language stating a delay by as much as 14 months. He questioned whether that schedule can be met sooner. Langshaw stated he was not sure the delay was accurate because some things are still pending final approval. He agreed to change that sentence.

- Petersen stated she was uncertain of the role of FERC approval. The Implementation of the HGMP's and continued steps are based on approval by the committee, not by NMFS or FERC. She was not sure this letter or the delay in plans should have much affect on the implementation schedule. Dresser stated that sentence needs to be clarified. It should state something like, "Each plan submitted for approval prior to implementation..." Petersen noted it says "submitted" not "approved," which means some work could be done without approval. Dresser responded that changing the footprint of plans, such as structural changes at Priest Rapids Hatchery, requires FERC approval. The PUD can get land approval and start permitting processes but they can't pour concrete, foundations, etc. Rohr suggested to consider removing that sentence. Langshaw agreed.
- The group discussed table 1 and made several suggestions for clarifications, which Langshaw agreed to take care of.
- Petersen pointed out the language in the Settlement Agreement says "approved by parties", not just NOAA. Langshaw stated their interpretation of that language was approval by NMFS because the program needs to be permissible. Is committee agreement enough to get permit coverage? Petersen clarified. When the HGMP comes up for a vote within the committee, NMFS will refrain from voting. When NMFS accepts the HGMP, it will be because they believe they can issue a permit for it. If they believe it can be implemented, they will agree to consultation and grant the permits. Petersen suggested all committee members work to clarify their interpretation of "approved" and the submitting agencies attach cover letters as to what the HGMP is being submitted for. Based on what the HGMP's purpose is, NMFS will look at the HGMP with that purpose in mind, i.e. submitting under ESA for application of Section 10 permit. Then NMFS will review the HGMP for consistent activities to assure all requirements are met for consultation and permitting. Once NOAA "accepts" the HGMP, the permits are likely to be approved. FERC wants a final plan approved by NMFS. Langshaw asked how NMFS suggests they address that. Petersen stated she would pursue the issue internally and with FERC if necessary.
- Marco commented on clarification for the time extension, asking for clarity on the resulting time extension in the letter, not the table. It could potentially influence mitigation requirements but the PUD does not need to include that detail.
- **There was brief discussion on the Yakama program and the reasons why that program is being implemented without an HGMP. FERC does not need to review that HGMP.** Dresser stated the coho program with the Yakama's was already being implemented when the Settlement Agreement was reached. Many of these types of ongoing activities are required in the Settlement Agreement and BiOp. Regarding White River and Nason Creek, FERC specifically asked for approval of these plans.
- Petersen stated she was uncomfortable with the reliance on other programs to complete the process. She doesn't want the letter to imply that funding

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for steelhead and spring Chinook is sufficient. NMFS is looking to Grant to include changes in their plan, such as capacity at Methow and the need for acclimation ponds. Petersen was encouraged to hear the PUD is willing to work on these issues, and stated the intention to improve these programs should be included in the letter. Specify the intention to work with Douglas to identify ways that Grant could improve that program. Langshaw agreed to work with Petersen on that language. Truscott suggested the language be consistent with the ESA because they will have to buy into the actions identified in the HGMP.

- Gale suggested they add some adaptive language in case they need to make changes to new plans after the HGMP is developed.
- Truscott asked for clarification on the role of the HSC, 2<sup>nd</sup> to last bullet in the draft letter. Langshaw stated the HCPs will contain that language. It is the PUD's intent to make sure the committee members are agreeable to the programs. Specific to programs where the HSC doesn't have all the decision-making authority, if the programs aren't meeting the HSC's needs, then Grant PUD must find ways to meet those needs. Truscott suggested the letter clarify any programs that are outside of the HCP. Langshaw agreed to clarify that language offline.
- Committee members suggested further details on factors causing the delay, such as "progression towards investigations is less-timely than expected."

Langshaw agreed to return to the document offline and work through the language with these comments in mind, including the implementation issue. He will send out a new draft for review and the committee will decide at that time if there is a need to elevate the issue to PRCC.

**IV. Action – SOA 2009- 3, Broodstock Retention:** The SOA was sent out the day prior to the meeting but many committee members had not yet seen it. Murdoch stated part of the problem is having so many various people sending things out. It should come from one person. Langshaw stated he had updated the numbers the day prior with all efforts to identify additional progeny. The numbers changed from 243 to 244 and from 203 to 202. They kept the known wild x wilds and wild x missing but not the wild x unknowns because they couldn't be improved upon. This maintains the most likely White River genetics. Basically Grant PUD is asking the HSC to decide which ones to keep and which should be put in pens. The decision needs to be made by next week's transfers. The committee felt the last paragraph was unnecessary, that the SOA should first state what was done and then what we think will be the results, and the last paragraph was removed. The committee unanimously approved SOA 2009-3.

**V. Status Reports for Each Program and IP Schedule:** This agenda item was a last minute add-on and committee members were not prepared to offer much input. The PUD will submit Status Reports at the next meeting in final form for committee review and discussion. Gale asked what the status was on working with the Service for the McComas site. Langshaw stated based on the mesh

size issue, they couldn't modify it in time to install this year. They will be resubmitting their request and a new feasibility study will be conducted this fall for use next year. The McComas site was not covered by the BiOp and the PUD was working on that when the mesh size issue came up. It's a Bull Trout and natural origin fry issue where the mesh size was based on flow to assure the nets would stay in place. At river mile 11, the designs can more effectively modify. Gale stated that during HSC Status Reports, he would like to have that level of detail provided. Had he known of this issue, he would have pursued it further. Langshaw agreed and stated his intention to send the Status Report out to Rohr to pass on to committee members ASAP, with the goal of getting feedback from committee members within a week or thereabouts regarding the form and substance of the example Status Report. He stated the Status Reports will be used as an internal document as well and asked the HSC to keep in mind this kind of report will be completed for all programs so comments regarding more or less detail and whether additional info is needed would be very helpful. In addition, the Status Report will have an implementation schedule attached so everyone will have an updated schedule report each month. The committee expressed their appreciation for the report and the work put into it. They look forward to seeing these in future meetings. All agreed to send comments back ASAP.

- VI. Summer Chinook Presentation:** This presentation was deferred due to lack of time on the agenda. Langshaw agreed to compress the file and post it for review on the Grant PUD website.
- VII. Facilitation Update:** Petersen stated she had received an e-mail indicating Rohr will not be facilitating the HSC in the near future. She asked for details on the timeline and thinking of Grant PUD on where to go from here in choosing a new facilitator. Dresser stated a new facilitator had been selected by the Director of Natural Resources. The new facilitator's name is Elizabeth McManus and contracts are already in place to begin services at the next HSC meeting. The committee members were surprised by this news and noted in the Settlement Agreement, the responsibilities language states, "the PRCC shall select" regarding facilitation. Dresser stated the PRCC members are aware of the changes in new facilitation and several were consulted prior to forward movement. He stated that HSC member's questions should be taken to their PRCC reps for each agency. It was noted that not all PRCC representatives had been contacted at this time but it was Grant's intention to touch base with them all. However, the dispute over the language still stood for some of the members as meaning the facilitation should be selected by the PRCC. Marco stated he agreed the language is unclear, and needs to be clarified, but this decision was not transparent and should have been handled differently. Other committee members agreed. Langshaw suggested that since the new facilitator is contracted for six months, the committee should take that time period to develop a process for determining the facilitation duties and how to handle evaluation. The issue will be discussed at next week's PRCC meeting as well as offline.

**VIII. Other:** Gale asked the record to show that no meeting minutes came out last month and the HSC has yet to approve the January minutes. They are now behind schedule and need to get caught up.

