

Columbia Basin Collaborative Habitat Work Group

Meeting Summary

Wednesday, November 1, 2023 from 10:00pm – 12:00pm PT/11:00am - 1:00pm MT

Attendees

Work group members in attendance: Art Martin (Oregon Department of Fish and Wildlife), Casey Justice (Columbia River Inter-Tribal Fish Commission), Cynthia Studebaker (United States Army Corps of Engineers), David Bain (Orca Conservancy), Erik Neatherlin (Governor Inslee’s Salmon Recovery Office), Jay Backus (Port of Clarkston), Jeff Fisher (Seattle City Light), Jeff McLaughlin (United States Bureau of Reclamation), Jennifer Lord (Bonneville Power Administration), Kris Hommel (Northwest Power and Conservation Council), Laura Brown (Washington Department of Fish and Wildlife), Michelle Rub (National Oceanic and Atmospheric Administration), Mike Edmondson (Idaho Governor’s Office of Species Conservation), Patty Dornbusch (National Marine Fisheries Service), Robert Lessard (Columbia River Inter-Tribal Fish Commission), Tom Iverson (Yakama Nation Fisheries)

Observers in attendance: Brandon Rogers (Yakama Nation Fisheries), Chanda Little (United States Army Corps of Engineers), Jerry Klemm (Port of Lewiston), Kira Christensen (United States Bureau of Reclamation), Scott Turo (United States Forest Service)

Welcome, Agenda Review, and Updates

Samantha Meysohn, Kearns & West, welcomed the work group members and provided meeting guidelines as well as a review of the agenda. The meeting agenda included: 1) Review Net Ecological Gain Recommendation, 2) Review Policy Obstacles Impacting the NOAA 5-Year Review Recommendations, 3) Preparation for the I/RG Meeting, and 4) Confirm Next Steps and Action Items.

Samantha highlighted the *Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin* that was put forth by the Biden Administration on September 27th, 2023. A work group member shared an overview of what the Memorandum entails, the intention behind its development, and the expectations for agencies with applicable authorities and responsibilities. The Memorandum calls for Federal Agencies to use their authorities and available resources to help restore healthy and abundant Columbia River native fish populations while balancing considerations related to energy supply, local agriculture, and the needs of communities that depend on the services provided by the Columbia River System dams.

Work group members shared the following questions and comments:

- The Memorandum will not change Section 7 of the Environmental Species Act, which sets a standard for the hydropower system to avoid jeopardy, but it does represent a strong request to agencies to use policies to advance recovery.
- Work group members discussed the timeline laid out in the Memorandum.
 - All agencies with applicable authorities and responsibilities are expected to review relevant policies over the next 120 days and take steps to advance said policy.

- Within 220 days, the agencies are required to provide the Director of the Office of Management and Budget with an assessment of their relevant programs and, to the extent possible, prioritize actions that will advance the Memorandum directive in program and budget planning.

The Memorandum will be a topic of discussion at the upcoming Integration/Recommendations Group (I/RG) meeting.

Review Net Ecological Gain Recommendation

Samantha introduced the Net Ecological Gain Recommendation and shared that a subgroup met twice in October to advance a draft of the recommendation. Members of the subgroup reflected on the abundance goals developed through the Columbia Basin Partnership (CBP) and shared that this recommendation is a request from all parties involved in the Columbia Basin Collaborative (CBC) to state and local land and water managers in the basin, asking for consideration of salmon recovery in their day-to-day decision-making. Work group members highlighted the similarities between this request and the Presidential Memorandum.

Work group members discussed moving this recommendation forward to the Science Integration Work Group (SIWG) for review before sending it to the I/RG in advance of the upcoming meeting. Members raised the following points before giving final approval to the recommendation:

- Members discussed changing the term ‘Net Ecological Gain’ in the title to maintain consistency with the text of the recommendation.
 - The work group considered several terms to replace ‘Net Ecological Gain’, including ‘Optimally Functioning Habitat’. Members agreed to use ‘Net Habitat Gain’ as it implies a higher standard than ‘Optimally Functioning Habitat’.
 - The title of the recommendation was edited to effectively capture the “ask”. The title was changed to “Sending Letter to Local Land and Water Managers Requesting Support for Net Habitat Gain”.
- Members discussed one outstanding question in the recommendation on how best to describe the amount of funding that has been spent on salmon recovery in the Columbia Basin over the past 20 years.
 - The work group agreed to use “a vast amount” to describe the substantial funds already obligated for the purposes of recovery.

Work group members voiced no additional concerns regarding the recommendation, and consensus was reached to move the recommendation on to the I/RG. The recommendation will be shared with the SIWG before it is sent to the I/RG. A work group member suggested that talking points be developed to address questions and concerns during the I/RG meeting. The work group agreed to return to the development of talking points at the end of the meeting.

Policy Obstacles Impacting the NOAA 5-Year Review Recommendations

Samantha shifted the discussion to the ongoing task of identifying policy obstacles impacting the National Oceanic and Atmospheric Administration (NOAA) Five-Year Review Recommendation. Samantha re-introduced the virtual whiteboard where the work group members had tracked challenges to implementation during the previous two meetings. Work group members were reminded that the vision for this exercise was to identify barriers and then develop recommendations to address those

barriers. In previous meetings, members had shared obstacles and needs related to funding, capacity building, and permitting.

The work group focused on barriers to funding, landowner engagement, and policy support. Members identified the following needs that must be met to address barriers to implementation, and shared additional comments and questions:

- Funding
 - Members shared the following challenges as they pertain to funding:
 - Utilization of funding that is earmarked for projects that have potential overlaps with salmon restoration. Examples include funding for research and capacity building.
 - This flex-funding would allow for the bundling of restoration and conservation efforts, thus ensuring durability of benefits over time.
 - Funding is needed at scale, over time, and with geographic specificity.
 - Prioritizing specific watershed areas for funding, along with a block grant approach to funding, as opposed to an annual and biannual grant approach, would allow projects to build on one another and promote synergy across projects over multiple years.
 - There is a need for funders to align around a set of habitat restoration priorities that will move efforts closer to CBP goals.
- Landowner Engagement
 - Members shared the following challenges as they pertain to landowner engagement:
 - There is a need for people to care and shift values to protect and restore salmon habitat. People may have competing values that take precedence over habitat restoration.
 - There is a need for greater awareness amongst agencies, permitting agencies, private landowners, and other decision-makers about the impacts that decisions may have on salmon and steelhead.
 - Greater education around the purposes for specific regulations is needed. The goal of regulations is to protect salmon, not cause harm to landowners.
 - It is challenging to find private landowner partners willing to focus on habitat protection and restoration.
 - Landowners may have concerns about a loss of control over their land or over the potential future value of the land for development.
 - There is a shortage of outreach programs that highlight the positive benefits of habitat restoration to landowners. For example, landowners that participate in habitat restoration see benefits such as increased soil moisture and fertility, increased efficiencies for irrigation, and restored floodplain connectivity which can improve grass growth for cattle operations.
 - Current incentive programs focus largely on providing crop insurance, which preserves the status quo of degraded habitat.

- There are infrastructure constraints on land such as railroads and powerlines that can inhibit landowner participation even if there is interest in supporting habitat restoration.
 - There is a need for federal and state land ownership alignment on land restoration priorities to achieve salmon recovery goals.
- Policy Support
 - Members shared the following challenges as they pertain to policy support:
 - Inconsistent priorities at the state and local level can be challenging. In addition, changes to administrations or leadership can yield different policy priorities.
 - Policies to support consistent net gains in habitat are needed, rather than just preventing the extinction of salmon.
 - There is a need for policies and education to support beaver re-establishment.
 - A work group member shared that recent legislation in Oregon designates beaver as a game animal on private land, providing it with greater protection.
 - Executive-level guidance would be helpful to direct agencies to act consistently with policies that support salmon and steelhead.
 - Currently a lack of enforcement of existing policies such as with non-point sources of pollution is another policy support challenge.

Work group members will discuss the remaining policy obstacles, coordination between entities, awareness building, and adaptive management and monitoring, at a future meeting.

Preparation for the I/RG Meeting

Samantha shared that the upcoming I/RG meeting will be conducted in person with limited virtual participation options. A member of the work group will need to present the recommendation titled “Sending Letter to Local Land and Water Managers Requesting Support for Net Habitat Gain.” A work group member suggested that a representative from one of the states or tribes could present the recommendation. Other work group members shared that it would be helpful to have a member of the drafting group present to share more about the drafting process. A few key messages that the Habitat Work Group Members wanted to share with the I/RG include acknowledging the complexity of habitat work and the range of entities that habitat work depends on. They could also explain the philosophy encapsulated in the recommendation that local watershed groups can decide which habitats to protect and restore, as well as the need for state and federal policies supporting recovery.

Work group members brainstormed several potential questions and concerns that the I/RG members may raise:

- How will this recommendation account for the property rights of landowners?
 - No net loss is an obligation consistent with property rights, as current practice requires mitigation to offset actions that impact habitat negatively. Net habitat gain is not currently an expectation of private landowners, and thus permitting agencies would be responsible for addressing this barrier.
- The recommendation does not go far enough and does not ask for specifics such as regulatory reform or the prioritization of projects.
 - The decision was made to keep the letter short.

- Not all entities receiving this letter will have the authority to enforce what is being asked. The letter allows each entity to meet the spirit of the letter within their own legal constraints and capacity.
- The letter may function as a call for legislative changes that will allow movement towards positive recovery criterion. States stepping up to call for recovery, as opposed to jeopardy, for salmon is important.

Samantha offered to follow-up with the full work group to identify a presenter for the recommendation and someone to share an update on the activities of the work group. KW will draft presentation materials, slides and talking points, for the work group update and recommendation presentation.

Confirm Next Steps and Action Items

Samantha thanked the work group for their time and efforts before reviewing action items from the meeting.

Action Items

- **All:** Complete a brief November Habitat Work Group Meeting survey to share feedback on the meeting.
- **All:** Continue to work through the Policy Buckets at the next Habitat Work Group Meeting.
- **K&W:** Send the Recommendation – Sending Letter to Local Land and Water Managers Requesting Support for Net Habitat Gain to the Science Integration Work Group
- **K&W:** Follow up with Habitat work group members to identify a presenter for the Integration/Recommendations Group meeting.
- **K&W:** Draft an FAQ document, PowerPoint slides, and talking points for the presenters at the I/RG meeting.
- **K&W:** Draft a meeting summary and circulate to the work group for review.

Meeting adjourned at 12:00pm PT/1:00pm MT