

Columbia Basin Collaborative Habitat Work Group

Meeting Summary

Friday, September 22, 2023 from 3:00pm – 5:00pm PT/4:00pm - 6:00pm MT

Attendees

Work group members in attendance: Brandon Rogers (Yakama Nation Fisheries), Cynthia Studebaker (United States Army Corps of Engineers), David Bain (Orca Conservancy), Erik Neatherlin (Governor Inslee’s Salmon Recovery Office), Jay Hesse (Nez Perce Tribe), Jeff Fisher (Seattle City Light), Jeff McLaughlin (Bureau of Reclamation), Jim Brick (Oregon Department of Fish and Wildlife), Patty Dornbusch (National Marine Fisheries Service), and Tom Iverson (Yakama Nation Fisheries)

Observers in attendance: Cathy Kellon (Northwest Power and Conservation Council), Heather Nicholson (Public), Jerry Klemm (Port of Lewiston), Stuart Crane (Yakama Nation Water Resources Program), Erich Hester (United States Department of Energy)

Facilitation team: Samantha Meysohn and Colin Johnson (Kearns & West)

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 No-Net-Loss Recommendation, 2) Update on the “NOAA 5-Year Review Recommendation, and 3) Confirm Next Steps and Action Items. Samantha reviewed the Summer-Fall 2023 Columbia Basin Collaborative (CBC) work plan and provided a look ahead at upcoming meetings for the Habitat work group. The work group agreed to meet in October to try and finalize recommendations before the Integration/Recommendations Group (I/RG) meeting in November.

Review No-Net-Loss Recommendation

A subgroup of members from the Habitat work group met in early September to discuss a recommendation for No-Net-Loss (NNL) and Net-Ecological-Gain (NEG). Samantha shared a high-level summary of the discussion. The sub-group decided to split the recommendation into two, with one focused on NNL and one on NEG because of the different agencies and policies involved in preservation and recovery. Once finalized, the two complementary recommendations will be sent to the I/RG as a package. During the sub-group meeting, members discussed metrics for evaluating existing habitats and shared an interest in seeing the same metrics used basin wide. Members also expressed a need for policies around NNL to be strengthened.

Work group members shared the following comments and questions:

- Members of the subgroup shared that the split in recommendations serves to recognize that protecting existing habitat is the best and most cost-effective action that can be taken. However, it is necessary to boost net-ecological-gain to reach recovery.
 - The ESA standard for avoiding jeopardy is too low of a bar to result in salmon recovery.

- The last 20 years have seen federal action agencies meeting ESA requirements for avoiding jeopardy but there is no link showing that this will lead to recovery.
- Members discussed a desire to see high-level indicators that would allow for comparison across watersheds to determine if habitat is being lost or gained overall.
 - A region-wide assessment to determine if habitat is being lost or gained may be necessary to build public support for any action. Work group members were not aware of a comparably extensive approach being taken in the basin to date.
 - A member posited that state governments and federal agencies may both support mitigation banking.
- Members shared a need for more understanding of the existing policies governing NNL and NEG including how those policies are similar, and different, across states and counties. In addition, there's a need to better understand the entities with the ability to implement policies to reach NNL in the basin, and to understand where the gaps are in those policies.
- Members discussed the existing policy landscape across the states regarding approaches to achieving NNL and NEG.
 - There has been significant work towards Net-Ecological- Gain in Washington state.
 - The Southern Resident Orca Task Force (SROTF) was the first group in the state to put forth a Net-Ecological-Gain recommendation.
 - The Orca Task Force Recommendation states: Adopt and implement policies, incentives and regulations for future growth and development to prevent any further degradation of critical habitat and sensitive ecosystems; enable and channel population growth in ways that result in net ecological gain; evaluate and report outcomes for all jurisdictions at the state, county, tribal and municipal level.
 - A member who had served on the SROTF shared that the primary challenge that the effort faced was property rights as there is no obligation for property owners to support NEG, and so consent and compensation is required for efforts on private property.
 - The Washington approach is to start with public lands and ensure that all activities serve to advance NEG.
 - NEG has presented issues including differing levels of support from Tribes, and a need for an agreed upon definition of the term.
 - Members discussed the feasibility of recommending bringing what has been done in Washington to other states in the collaborative.
 - Oregon has a NNL policy that allows the Oregon Department of Fish Wildlife (ODFW) to recommend benefits based on certain habitat categories, and then permitting agencies have options to utilize those recommendations.
 - There is currently a minimization policy in place for land use that has lower threshold than NNL.

Members discussed the importance of policy alignment at the local level, sharing that this would be helpful. One member proposed an idea to draft a letter from the Columbia Basin Collaborative to county governments with salmon bearing streams to ask for their support of NEG policies. The intention behind

the letter would be to encourage local governments to consider the impact that land- and water-use management may have on salmon populations.

Members discussed the following points in relation to the proposed recommendation:

- This letter should also be distributed to state governments but will be most effective at a local level. State-level buy-in will be necessary to ensure local governments do not opt out.
 - Counties and cities would have the autonomy to decide what consideration for NEG would look like at the policy level.
 - The City of Portland was offered as an example of a city that has leaned toward NEG in their watershed framework.
- Additional support was shared for reaching out to federal agencies and regulatory divisions as well.
 - The nexus between state and local government and federal review exists within Section 7 of the Endangered Species Act (ESA) which requires that any action funded, authorized, permitted, or carried out by a federal agency can not jeopardize the continued existence of a listed species or adversely modify designated critical habitats.
 - A member shared that much of the federal direction around engagement with Habitat comes from the National Oceanic and Atmospheric Administration (NOAA) Biological Opinion.

Members shared support for the recommendation to draft a letter signed by the I/RG that would be distributed to state and local governments as well as relevant federal agencies and regulatory divisions. Tom Iverson, Yakama Nation Fisheries, offered to draft an outline of the recommendation. A subgroup of work group members would meet to develop and revise the draft and create the letter in advance of the next I/RG meeting. The subgroup consists of:

- Patty Dornbusch, National Marine Fisheries Service
- David Bain, Orca Conservancy
- Jeff Fisher, Seattle City Light

[Update on the “NOAA 5-Year Review Recommendation”](#)

Samantha reintroduced the “policy buckets” that work group members used in the previous meeting to begin identifying barriers to implementation for actions included in NOAA 5-Year Review Recommendation, and actions across the basin. During the previous meeting the work group had begun identifying barriers related to “Funding” and “Capacity Building”. Samantha introduced a virtual whiteboard to continue identifying additional barriers within these buckets, as well as identifying additional six buckets. Samantha shared that the vision for this exercise was to identify barriers and then develop recommendations to address those barriers. The policy buckets overlap with several concepts from the habitat recommendations concept list.

Work group members identified the following needs that must be met to address barriers to implementation, and shared additional comments and questions:

- Funding

- Increased funding to existing programs.
- Understanding of, and buy-in for, habitat priorities is needed from funders.
 - A member shared that funding coordination has been a topic of discussion for years, however the actual design and implementation of such coordination is very difficult.
- Cross-coordination between Tribes, agencies, and non-government organizations in the pursuit and implementation of funding.
- Streamlining grant programs and reporting processes to put funding into action more quickly.
- Capacity
 - Staff to implement the habitat work and career level jobs for emerging practitioners to enter
 - A work group member shared that it can be difficult to find contractors who have the experience to complete the types of projects needed to restore habitat, and it is difficult to get quality work out of contractors who do not.
 - A member added that grant writers would help to acquire the necessary funds to implement the habitat restoration projects.
- Permitting
 - Streamline processes for regulatory compliance.
 - A member shared that some projects require multiple permits to get projects on the ground. State-level initiatives similar to Cutting Green Tape under the California Natural Resource Agency (CNRA) could be a model for other states to streamline these processes.
 - A programmatic approach to permitting
 - Greater permitting staff capacity in order to streamline processes.
- Landowner Engagement/Support
 - Increase capacity for landowner engagement.
 - Provide incentives for landowners to participate in habitat restoration on their property.
- Policy Support
 - Achieve consistent policies from all entities with management and restoration authorities.
 - Great social support, the building of political will and connections with the public, to support salmon recovery.

Work group members would continue discussing needs for each policy bucket at a future meeting.

Confirm Next Steps and Action Items

The work group decided to focus on the NEG recommendation at the next meeting. Samantha thanked the work group for their time and efforts before reviewing action items from the meeting.

Action Items

- **All:** Complete a brief September Habitat Work Group Meeting survey to share feedback on the meeting.

- **All:** Complete a doodle poll to schedule the October Habitat Meeting.
- **Tom/Patty/David/Jeff F:** Please meet to revise and complete the draft recommendation for the Net-Ecological Gain Letter to Local Authorities.
- **K&W:** Draft a meeting summary and circulate to the work for review.

Meeting adjourned at 5:00pm PT.