

**Upper Columbia Salmon Recovery Plan
Policy Forums
Final Report**

**Prepared for:
U.S. Institute for Environmental Conflict Resolution**

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Introduction

In the late summer and fall of 2005, in completing the Endangered-Species-Act-mandated plan for the recovery of Upper Columbia River Spring Chinook salmon, steelhead and Bull trout, the Upper Columbia Salmon Recovery Board (the Board), sought the advice of a policy forum comprised of diverse interests. These interests included ranchers, an irrigation district, state and national sport fishing organizations, watershed planners, federal agencies, Indian tribes, a public utility/hydropower dam operator, city and county officials, environmental organizations and a salmon restoration foundation.

With the financial support of the National Marine Fisheries Service, the Board engaged the U.S. Institute for Environmental Conflict Resolution for assistance with selecting a facilitator/mediator for the policy forum. The Institute issued a request for proposals to assist stakeholders and Tribal representatives in seeking agreement on recommendations for the recovery plan. A committee convened by the Board selected Todd Peterson and Chris Hoffman of Norton-Arnold & Company to provide this assistance.

The purpose of the policy forum was to negotiate the consensus of delegated representatives on recommendations for the Upper Columbia Regional Salmon Recovery Plan. The policy forums' goal was to increase regional understanding and acceptance of the resulting plan and to enable the National Marine Fisheries Service to fulfill its statutory requirements under the Endangered Species Act.

This report describes how the Policy Forum was organized and the results of its work. The appendices provide a detailed record of discussions during the Policy Forum's three meetings.

Organizational Meeting, September 5, 2005, Brewster, Washington

Mike Eng of the U.S. Institute for Environmental Conflict Resolution and Todd Peterson and Chris Hoffman of Norton-Arnold & Company met with agency staff, elected officials and citizens concerned about salmon recovery planning in the Upper Columbia region to plan the stakeholder/policy forum process.

The objectives of the meeting were to:

- Reach agreement on the purpose of the policy forum process
- Clarify the role and responsibilities of the organizations convening and organizing the Policy Forum
- Discuss feedback to date on the Upper Columbia Salmon Recovery Board's Recovery Plan
- Identify key issues the Policy Forum would likely address
- Identify and reach agreement on the interests that needed to be engaged
- Determine criteria for participation in the policy forum process

- Recommend who should be invited to represent the range of interests
- Identify likely challenges to a successful process and strategies to address these challenges
- Discuss how the forums should be conducted
- Determine the schedule and locations for Policy Forum meetings
- Determine immediate next steps and assign responsibilities.

Participants in the organizational meeting said the purpose of the policy forums should be to produce a recovery plan that was scientifically sound and had local buy-in. The forums should serve to increase understanding and acceptance of the recovery planning process and its results.

To identify the issues that would form the basis for future discussion and possible recommendations, Mike Eng asked participants to summarize their reviews of the draft Upper Columbia Salmon Recovery Plan. Staff of the National Marine Fisheries Service, a representative of the Methow Basin Planning Unit, elected officials from Okanogan, Douglas and Chelan counties and Okanogan County citizens provided comments. Representatives of the Governor's Salmon Recovery Office and the Washington Department of Fish and Wildlife said their agency's reviews would be forthcoming.

In this way, planning meeting participants specified issues to be addressed by the policy forums. They discussed the selection of the Policy Forum's delegated representatives. The facilitators asked participants to recommend individuals and proposed a process and groundrules for the forum's work.

Meeting participants indicated the importance of understanding NMFS's commitment to the consultative process. They also stressed the importance of the facilitators listening first hand to local concerns before the first forum. Participants requested that NMFS provide answers to specific questions. These questions are listed in the summary in Appendix A. Participants agreed on a schedule and locations for the Policy Forum meetings.

Policy Forum # 1, September 15, 2005, Brewster, Washington

Todd Peterson and Chris Hoffman conducted the first forum on September 15, 2005 in Brewster, Washington. The forum was postponed from its originally scheduled date of September 1 to enable the Upper Columbia Salmon Recovery Board to address the issue of multiple Plan review processes (the Board's and Okanogan County's) going on simultaneously. The Board determined that there would be a single review process with the county contributing through its representative to the Board.

In preparation for the forum, the facilitators invited the involvement of delegated representatives identified by participants in the organizational meeting. The facilitators prepared and distributed the forum's agenda.

Forum representatives ratified proposed groundrules. They provided their evaluation of the draft plan and identified the issues “to go on the table” for discussion and negotiation in this and ensuing forums. These points are recorded in the “Key Issues” section of the summary in Appendix B of this report.

Rob Walton of the National Marine Fisheries Service (NMFS) reviewed questions from the public and answers from NMFS about the Upper Columbia Salmon Recovery Plan. Appendix B of this report also presents the complete text of the questions and answers.

The first forum produced general agreement on the following issues to be addressed in subsequent forums:

Key Issues

- **Implementation**
 - Integration with local watershed plans
 - Defining the who, what, where and when of implementation (Specificity)
 - Coordination of effort
 - Cost analysis
 - Measurement of results
- **Actions**
 - Secure funding
 - Rank in order of priority
 - Specify voluntary actions
 - Coordinate mandatory actions. Acknowledge they are occurring and that they are consistent with the regional salmon recovery plan
 - Acknowledge limits
 - Specify when goals have been reached and recovery responsibilities have been met
 - Validate the effectiveness of actions
- **Assurances**
- **Permitting**
 - Streamlining permitting for salmon recovery projects
- **Research, monitoring and evaluation**
- **Integration**
 - Integrate the work of the watershed groups in the three counties
 - Integrate tracking of results of recovery projects
 - Coordinate government agency decision-making about Columbia River salmon recovery
 - Integrate all H’s.

Policy Forum #2, October 6, 2005

The purpose of the second policy forum was to seek agreement, in the form of recommendations, on the key issues identified in the first forum. The facilitators distributed a set of possible recommendations to policy forum representatives before

convening the second forum. These possible recommendations are listed in the second policy forum's summary, which is Appendix C of this report.

The discussion of the Policy Forum's recommendations to the Upper Columbia Salmon Recovery Board (UCSRB) focused on the topics considered to be most important to improving the recovery plan including:

- assurances regarding possible consequences of signing on to the plan
- a mutually acceptable means of considering disputed science in the plan
- the integration of out-of-basin effects
- the who, what, where and when of implementing the plan

The forum was originally scheduled to run until 4:00 p.m. but ended at 3:00 p.m. to accommodate an emergency UCSRB meeting. The Policy Forum's representatives reached agreement on the following recommendations:

Recommendation #1: The Salmon Recovery Plan will specify how the “who, what, where, and when” of salmon recovery actions will be determined, and will rely on the Implementation Plan for specific guidance.

Recommendation #2: The plan will identify legal assurances options for implemented actions outlined in the recovery plan.

Recommendation #3: The UCSRB will develop a mutually acceptable means to consider disputed science in the plan, and will address comments on disputed science that provide a detailed basis for dispute (literature citations, empirical evidence, etc.).

Due to the shortened agenda and the amount of time allocated to priority recommendations, the policy forum did not address recommendations concerning: Data Management and Use; Research, Monitoring and Evaluation, and; Creating a Clear and Concise Plan. (Policy Forum # 3 negotiated agreement on recommendations for these issues.)

Members in addition to the National Marine Fisheries Service of the Federal Caucus (the U.S. Forest Service, Bureau of Reclamation, U.S. Army Corps of Engineers and Bonneville Power Administration) were invited to attend Policy Forum # 3 to assist in discussing out-of-basin effects influencing salmon recovery in the Upper Columbia region.

Policy Forum #3, November 17, 2005, Chelan, Washington

Policy Forum #3 had two purposes: First, to continue to negotiate agreement on recommendations to the UCSRB concerning the Upper Columbia Salmon Recovery Plan; and second, to consider information from the National Marine Fisheries Service on the impact of out-of-basin effects on the recovery of Spring Chinook salmon and steelhead in the Upper Columbia basin. Out-of-basin effects include hydropower, hatcheries, conditions in the Columbia River estuary and harvest. The third forum concluded with a

presentation by the Northwest Power and Conservation Council outlining procedures for funding proposals for projects to protect, mitigate and enhance fish and wildlife affected by the development and operation of the Columbia River hydroelectric system.

The facilitators used level-of-agreement polling to identify the basis for consensus for each of the recommendations. Subsequent negotiation and simultaneous group editing enabled policy forum participants to reach agreement on the following recommendations, which were forwarded to the Upper Columbia Salmon Recovery Board.

Final Recommendations

Data Management and Use

1. The plan will acknowledge and state that the Board will ensure data is managed, coordinated, reported, and updated consistently with local, regional and statewide frameworks and guidance, pending their availability.

Implementation

1. The plan will provide a system to estimate the costs and benefits of Upper Columbia salmon recovery actions - including a mechanism for resolving disputes regarding economic impacts – and will identify possible funding sources.
2. The plan will define how implementation is coordinated within and outside of the Upper Columbia region.
3. The plan will define how the results of salmon recovery actions will be measured, in a way that is consistent with the state framework.
4. Recovery actions on private property will be voluntary and incentive-based.
5. The Upper Columbia Salmon Recovery Plan will identify and prioritize recovery strategies and actions that have the highest biological benefit. The Board will strongly consider those strategies and actions that have public support.
6. To the extent allowed by law, the plan will outline mechanisms for compensation of landowners for implementing salmon recovery measures.
7. The plan will encourage federal, state and local agencies to develop programmatic consultations and permitting processes to implement the Upper Columbia Salmon Recovery Plan.

Integration

1. In addition to habitat actions, the plan will include specific management recommendations for hatcheries, hydropower, and harvest that are consistent with and contribute to recovery goals and objectives.
2. So that actions across all the H's are complementary and consistent with achieving recovery goals, the plan will describe and provide for integration into decision-making processes of out-of-basin entities with the authority to implement recovery actions. The plan will provide for a process to ensure this integration.

Research, Monitoring and Evaluation

1. The plan will identify an accessible and usable database for research, monitoring and evaluation concerning salmon recovery in the Upper Columbia.

Creating a Clear and Concise Plan

1. The plan will provide a concise, clearly written public summary.
2. The plan will be edited to remove repetition and to be more easily understood by the public.

Possible State Legislation and No Net Loss of Private Property Ownership

1. The plan will stipulate that the counties' signing-on to the plan does not represent an invitation to or acquiescence with possible state legislation related to the plan.
2. Any land acquisition proposals in the plan will be based on the concept of no net loss of private property ownership, such as conservation easements, transfer of development rights, and other innovative approaches.

Incorporation of Policy Forum Recommendations into the Upper Columbia Salmon Recovery Plan

During its week-long meeting beginning on December 8, 2005, the Upper Columbia Salmon Recovery Board reviewed and incorporated the Policy Forum's recommendations into the Upper Columbia Salmon Recovery Plan. The Board subsequently transmitted to plan to the State of Washington Governor's Salmon Recovery Office and the National Marine Fisheries Service.

The Board concluded that because the Policy Forum had reached agreement on its recommendations, a fourth forum was not required.

Facilitators' Findings and Recommendations

Clarifying the Context of Discussions and Involving Critics

Earlier decisions and actions concerning water allocation in the tributaries of the Upper Columbia River had a farther-reaching effect on the deliberations than we initially anticipated. Residual frustration and suspicion contributed to the unwillingness of some to become involved in the negotiations. The history of local watershed planning and the response of regulatory agencies to the results of these efforts also influenced the atmosphere in which we began the policy forums. Other economic, social, political and philosophical motivations contributed to a reluctance to participate. While these motivations are a fascinating area of inquiry, the project's budget and scope of work did not allow their investigation. However, in the end, significant, perhaps inordinate, time and energy were devoted to attempting to address the concerns of interests, who ultimately, chose not to contribute to the forums.

Recommendation

It is not clear if additional interviews with individuals, particularly critics from Okanogan County, before the first forum would have increased critics' participation in the policy forums. Interviews might have brought in to sharper focus concerns about the consultative process and enhanced our understanding of critic's reluctance to become involved. Interviews might have advanced personal trust in the facilitators and the value of the process. But it remains unclear whether individual interviews with critics would have changed their minds about participating. However, additional initial interviews would have enabled us to identify and involve at an earlier point Okanogan County interests and individuals willing to engage constructively. In approaching this consultation again, we would recommend conducting additional interviews with individuals to augment the meetings we participated in with organized groups in Okanogan and Chelan counties.

Defining Expectations, Purpose and Scope of Work

As the membership of the policy forum and the direction of its discussion evolved, there was no written agreement defining the specific roles and responsibilities of the sponsoring organizations in relation to the policy forum's purpose and process. This uncertainty and occasional difficulties in engaging participants in a timely manner between meetings presented challenges for the consultation's momentum.

Recommendation

In conducting negotiations of this kind, we advise participants to focus on interests, that is, preferred outcomes. To follow our own advice, we recommend reaching specific agreement at the outset with the sponsoring agency on their expectations for the purpose and scope of the consultation and the process for conducting it. We recommend more explicitly defining roles and responsibilities so that expectations are clear to facilitators, policy forum representatives and agencies. The timely and persuasive support of the U.S. Institute improved the sponsoring agency's responsiveness. Given similar circumstances in the future we would again seek this support.

Enabling the Involvement of a Cross Section of Participants

The multiplicity of simultaneous regional salmon recovery and watershed restoration activities made some possible participants and local government agencies concerned about the commitment of time and effort necessary for involvement in the forum. This understandable husbanding of volunteer energy made some reluctant to recommend possible participants, particularly private citizens. In addition, the time and distances required for meetings may have discouraged the participation of individuals not being paid to attend.

Recommendation

We recommend, in the future, providing funds to enable the participation of private citizens in those cases in which it would otherwise be impossible. We recommend allocating time and effort in the project scope of work and budget to meet with local

governmental staff to build confidence in the utility of regional consultation and gain their help in recommending and recruiting participants.

Involving Resource People

The consultative process was well served by the continuing involvement of scientists, policy staff and citizens knowledgeable about regional salmon recovery planning and local conditions. These advisors made substantive presentations to address specific issues as discussions progressed. Policy forum representatives, by encouraging the involvement of advisors, brought to the deliberations information useful in making sound recommendations.

Recommendation

We recommend continuing the involvement of scientists, policy staff and citizens to inform the discussion of delegated representatives while maintaining the distinction between delegated representatives and advisors to the process.

Techniques to Reach Agreement

Polling at the outset of the final policy forum revealed a significant degree of agreement on representatives' recommendation concerning the Upper Columbia Salmon Recovery Plan. The principal value of level-of-agreement polling in the final forum was that it showed representatives that their points of view on separate issues had been heard and a general consensus had emerged. This agreement indicates that previous forums had identified, responded to and articulated representatives' principal concerns. In addition, being able to see all the recommendations displayed on polling boards enabled representatives to discuss and resolve remaining issues and reservations. Simultaneous editing, in which possible recommendations were displayed by Power Point for the comment and revision by the entire group, also significantly advanced the reaching of consensus on the recommendations. Everyone could see not only what was agreed to but how the agreement developed. This technique illustrates the principle that agreement on large, contentious issues is built on understanding of and agreement on smaller, constituent decisions.

Recommendation

Given the positive outcome of level-of-agreement polling and simultaneous group editing, we recommend the use of these and other interactive techniques in future facilitated negotiations. We would put more effort into persuading representatives to increase their use of e-mail communication to refine possible recommendations between meetings.

Commitment to Consultation

Policy forum participants demonstrated strong continuing commitment to the consultation despite the complexity of the issues and the politically charged atmosphere in which the negotiations were conducted.

Recommendation

We recommend that the Upper Columbia Salmon Recovery Board involve the facilitators in an UCSRB meeting to review the policy forum process and results. The purpose here would be to define lessons learned applicable to advancing the Board's constructive discussion and sound decision-making in the future.

Appendix A: Summary of the Policy Forum Organizational Meeting

Overview

On Friday August 5, 2005, an organizational meeting was held to begin planning the stakeholder forum process for the Upper Columbia Salmon Recovery Plan. The meeting was held at the Brewster High School Library, from 10:30 a.m. to 3:00 p.m.

Approximately 30 people participated, including a range of stakeholder interests from within the upper Columbia region. Three people participated in all or some of the meeting via conference call. Appendix A of this summary includes a complete list of attendees. The meeting was facilitated by Mike Eng, from the U.S. Institute for Environmental Conflict Resolution, and Todd Peterson and Chris Hoffman, from Norton-Arnold & Company. The National Marine Fisheries Service (NMFS) and the Upper Columbia Salmon Recovery Board (UCSRB) had requested the assistance of the U.S. Institute in helping to convene the stakeholder forum process. Todd Peterson and Chris Hoffman were selected by a stakeholder interview panel to facilitate the forums. They are working under contract with the U.S. Institute.

The objectives of the meeting were to:

- Reach agreement on purpose of Stakeholder Forum process
- Clarify role and responsibilities of convening and organizing entities
- Discuss feedback to date on Upper Columbia Salmon Recovery Board's (UCSRB) Recovery Plan
- Identify key issues the stakeholder forums will likely need to address
- Identify and reach agreement on important interests that need to be engaged
- Determine criteria for participation in stakeholder forum process
- Make recommendations regarding who specifically should be invited to represent which interests
- Identify likely challenges to a successful process and possible strategies to address them
- Discuss how the forums should be conducted
- Determine overall schedule, time and locations for Stakeholder Forum meetings
- Determine immediate next steps and assign responsibilities

This document summarizes the discussions held on each agenda item. The document is organized according to the meeting's agenda, and defines actions to be completed by both meeting participants and facilitators.

Stakeholder Forum Framework

Mike Eng began the meeting with an overview of planning to date regarding the salmon recovery stakeholder forum process. Mike asked for participants' suggestions regarding stakeholder forums' purpose and desired outcomes.

Participants said that a purpose of the forums is to produce a recovery plan that is scientifically sound and has local buy-in. The forums should serve to increase understanding and acceptance of the recovery planning process and its results.

Feedback to Date on UCSRB's Recovery Plan

Mike Eng asked participants for any initial feedback on the current draft of the plan. The following section summarizes the comments made by participants from their organizations' perspectives.

National Marine Fisheries Service (NMFS)

NMFS review of the draft plan is being done through a 12-member Technical Recovery Team. Their detailed comments will be submitted the week of 8/8/05. NMFS representatives Lynn Hatcher and Elizabeth Gaar provided the following comments:

- The executive summary, populations, and status reviews sections are good.
- The types of projects identified are the right ones.
- Too much of the plan defers to the future, with no specific actions.
- The plan does not adequately address all H's, i.e. habitat, hydropower, hatcheries and harvest.
- There is not enough information on research, monitoring and evaluation.
- There needs to be more discussion on the future decision-making process/governance structure that will support plan implementation.
- NMFS goal is to complete a draft of its recovery plan for the listed species by December 2005.
- Developing a recovery plan is a statutory requirement mandated by Congress.
- NMFS will use the UCSRB's regional recovery plan as the basis for the draft ESA plan that NMFS will publish in the *Federal Register*. NMFS will write a short supplement that will accompany the regional recovery plan developed by the UCSRB and the stakeholder forum process.
- The plan is a non-regulatory document. It needs to be an understandable roadmap/blue print for getting to recovery.
- A measure of a legally defensible plan is that it has clear and measurable goals and addresses threats to the endangered species in question.

Governor's Salmon Recovery Office (GSRO)

The GSRO will provide its formal feedback on the plan the week of 8/8/05. Steve Martin indicated that the plan needs to be succinct on implementation and to discuss the organizational capacity to act on the plan.

Washington Department of Fish and Wildlife (WDFW)

WDFW will provide their comments through the GSRO review process. Joe Miller said that in general the plan needs to be clear about implementation and should include an affirmative statement about the benefits of the plan.

Methow Basin Planning Unit

Ron Perrow presented his initial issues and comments on the draft plan:

- The plan does not provide clear recommendations or conclusions.
- It lacks a description that the lay person can understand of the complete life cycle of the spring chinook and the causes and locations of mortality in the stages of their life cycle.
- The plan's development lacked adequate public involvement.
- The plan's information about limiting factors is in some case inaccurate.
- The plan needs to have a simply stated recovery goals regarding the overall population and specific goals regarding habitat's contribution to recovery.
- The Methow Valley, for example, needs to know when they have physically and theoretically completed their requirements in contributing to recovery.
- Assessments could be done to evaluate whether those requirements are being achieved.
- Base the measure of success of salmon recovery in the watersheds of the Upper Columbia on the number of salmon and steelhead produced, not the number returning, because measuring success on fish produced would highlight the contribution habitat is making.

County Governments

- Bud Hover indicated that he will be receiving Okanogan County citizen comments on the plan at four scheduled public meetings in August and September, but that he has heard a number of concerns about the plan related to the use of studies and land acquisitions. He said that there is concern that information from studies has been used improperly and that some of the studies cited are not peer reviewed. He also said that here is concern about using land acquisition as a recovery mechanism in Okanogan County since 80% of the county's land is already owned by the federal government.
- Mary Hunt, Douglas County Commissioner, and Ron Walter, Chelan County Commissioner, echoed many of the concerns identified by other committee members. Ron Walter asked how implementation of the plan will transfer to local decision-making processes.

Okanogan County Citizens/Farm Bureau Members

Sara Kretz and Darlene Hajny commented that the plan needs more than a few tweaks for it to be supported, and suggested that a major rewrite is necessary.

Issues to be Addressed by the Stakeholder Forums

Participants identified a number of issues, including:

- The plan has to be an understandable road map to get to salmon recovery. It needs a clearly stated goal, conclusions and recommendations.
- The plan needs to indicate who does what.
- There needs to be a mechanism within the process that deals with comments that say “the data are not defensible” – the forum needs to identify the questions to

ask about the data, direct independent experts to answer them and stand by those answers in the public realm.

- The recovery plan should address past “mistakes” such as inconsistent Section 7 actions in the Methow.
- The forums need to determine if existing governments and organizations have the capacity to implement the plan.
- The forums need to address the issues related to getting the fish back to the Upper Columbia region. (“*We can build a beautiful hotel for them up here but if they don’t return...*”) These “out-of-basin effects” include ocean conditions, predation by Caspian terns and marine mammals, harvesting and dams.

Stakeholder Forum Invited Participants

Todd Peterson led a discussion on the criteria for participating in the forums. He said that it will be important for forum participants to commit to attend all forums, represent the interests of their constituents, and collaborate with other forum members to work toward solutions.

Participants were asked to identify specific individuals they thought could meet these criteria. While no specific names were suggested, Commissioner Walter indicated that the forum needs to include more members of the public. Sara Kretz noted that the majority of the people attending the organizational meeting represented some form of government, and that more balance is needed.

Some said that the cost of participating in the forums was prohibitive to citizens who are not paid to attend. Some suggestions to minimize costs included NMFS and counties reimbursing citizens for travel, and developing a kitty to which forum members could contribute.¹

Stakeholder Forum Process

Todd Peterson presented a proposed process for the forums. He said that the forum process needs to result in a set of recommendations that ensures that the recovery plan is locally understood and supported and meets the statutory requirements that NMFS must fulfill. Todd outlined a process to meet both needs:

- Meeting #1: Present key points of NMFS’s, the public’s, GSRO’s and the Technical Review Team’s evaluation of the UCSRB’s plan. Identify issues that require additional attention and consideration in order to achieve local understanding and support and to meet NMFS statutory requirements.
- Meeting #2: Identify options, opportunities, and tradeoffs associated with the issues identified in meeting #1

¹ \$40 was collected at the meeting to help with travel costs. Todd Peterson will manage the kitty until an agreed upon solution is reached. This money was later returned to those who had offered it.

- Meeting #3: Evaluate the options, opportunities and tradeoffs identified in meeting #2 and identify ways to mitigate any potential impacts
- Meeting #4: Develop consensus-based recommendations based on the evaluation results of meeting #3.

Questions for NMFS

After discussion of the proposed process, the committee indicated that it would be critical to have a better understanding of NMFS commitment to the process and for the facilitators to listen first hand to local concerns about the plan prior to holding the first meeting. As a result of this discussion, NMFS was asked to prepare a written statement that answers the following questions:

- What is the relationship between the Upper Columbia Salmon Recovery Board (UCSRB) regional recovery plan and NOAA's (NMFS's) recovery plan? Will out-of-basin effects be addressed in the stakeholder forum process and the UCSRB's plan? If so, how will out-of-basin effects be addressed and corresponding out-of-basin stakeholders be engaged in the stakeholder forum process?
- What is NOAA's (NMFS's) commitment to accepting any consensus recommendations that emerge from the stakeholder forum process?
- What happens to the UCSRB's regional recovery plan once it is "handed off" to NOAA (NMFS)?
- Will NOAA's (NMFS's) recovery plan eventually be used by Federal agencies to regulate land use, water rights and other activities within the Upper Columbia region?
- The Habitat Conservation Plan (HCP) process provides the public utility districts (PUDs) with certain assurances in return for achieving agreed upon conservation goals. What assurances will NMFS provide the Upper Columbia region counties in return for signing off on the recovery plan?

Lynn Hatcher said that NOAA (NMFS) is committed to answering these questions in writing prior to the first forum meeting.

The committee also requested that the facilitation team attend local meetings on salmon recovery planning in Okanogan County (and Douglas and Chelan County if meetings take place) and interview potential forum participants to better understand perspectives within the region. As this request has budget implications, Mike Eng asked that Todd and Chris submit a proposed budget to attend meetings and conduct interviews. Lynn Hatcher indicated that it was likely that NMFS will financially support the additional work.

Stakeholder Forum Schedule

The organizing committee discussed possible dates and locations for the four forums. The committee expressed concern about the initial proposal of an August meeting given the work that needed to be completed prior to the first meeting. As a result, the committee

Appendix B: Summary of Policy Forum # 1

Meeting held:

Thursday September 15, 2005

Grange Hall

Brewster, Washington

10:00 a.m. – 4:00 p.m.

Introduction

The National Marine Fisheries Service and Upper Columbia Salmon Recovery Board retained the U.S. Institute for Environmental Conflict Resolution to assist with convening and facilitating four policy forums. The purpose of the forums is to seek agreement on recommendations for the Upper Columbia Regional Salmon Recovery plan. The goal of the recommendations is to increase regional understanding and acceptance of the plan and to enable the National Marine Fisheries Service to fulfill its statutory requirements.

In August 2005 a committee convened by the Upper Columbia Salmon Recovery Board selected Todd Peterson and Chris Hoffman of Norton-Arnold & Company to facilitate the policy forums.

The first forum was conducted on September 15, 2005 in Brewster, Washington. The purpose of the first forum was to identify key issues that forum representatives will address in subsequent meetings in seeking agreement on recommendations for the regional salmon recovery plan. To this end, forum representatives provided their evaluation of the draft plan and identified the issues that need “to be on the table.” These points are recorded in the key issues section of this summary. The purpose of the second policy forum, scheduled for October 6 in Brewster, is to seek agreement, in the form of recommendations, on the issues raised in the first forum.

This report summarizes the process and findings of the first forum.

Agenda

| | | |
|-------------------|---|----------------------|
| 10:00 a.m. | Welcome and introductions | Todd Peterson All |
| 10:15 a.m. | Stakeholder forum overview <ul style="list-style-type: none">• The purpose of the forums <i>To seek agreements on recommendations for the Upper Columbia Regional Salmon Recovery Plan in order to increase understanding and acceptance of the plan and to enable the plan to meet NMFS's statutory requirements</i>• The role and responsibilities of the facilitators• Ground rules and operating principles <i>The importance of interests, options and standards</i> <u><i>Groundrules</i></u><ol style="list-style-type: none">1. <i>Focus on interests not positions</i>2. <i>Use the group's time well</i>3. <i>No personal attacks</i>4. <i>Test assumptions</i>5. <i>Jointly design ways to resolve disagreements and create solutions</i>6. <i>Agree on what important words mean</i>7. <i>Share information with non-group members</i>• The role, responsibilities and commitments of forum participants and the public• The goal for Forum # 1 <i>Identify key issues and their priority</i> | Todd Peterson |
| 10:30 a.m. | Questions from the Public about the Draft Upper Columbia Salmon Recovery Plan; Answers from NMFS | Rob Walton, NMFS |
| 10:50 a.m. | Evaluation of the Draft Upper Columbia Region Salmon Recovery Plan | Rob Walton |

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|-------------------|--|----------------------------------|
| 11:05 a.m. | Evaluation of the Draft Plan | Bud Hover, Okanogan County |
| 11:20 a.m. | Evaluation of the Draft Plan | Mary Hunt, Douglas County |
| 11:35 a.m. | Evaluation of the Draft Plan | Ron Walter, Chelan County |
| 11:50 p.m. | Lunch | |
| 12:30 p.m. | Evaluation of the Draft Plan | Bill Towey, Colville Tribes |
| 12:45 p.m. | Evaluation of the Draft Plan | Lee Carlson, Yakama Nation |
| 1:00 p.m. | Evaluation of the Draft Plan | Steve Martin, State Caucus |
| 1:15 p.m. | Evaluation of the Draft Plan/Summary of public comments received | Sandy Cox, UCSRB |
| 1:30 p.m. | Summary of evaluations/Issues | Chris Hoffman |
| 1:45 p.m. | What issues need to be addressed in the stakeholder forums in order to provide recommendations for the Plan? What is their order of priority? | Todd Peterson All |
| 2:45 p.m. | Break | |
| 3:00 p.m. | Issues and their priority (continued) | |
| 3:30 p.m. | Meeting Summary | Chris Hoffman |
| 3:50 p.m. | Next Steps | Todd Peterson |
| 4:00 p.m. | Adjourn | Todd Peterson |
| 6-8 p.m. | Public Open House | |

Participants

Policy Forum Representatives

Bill Towey, Colville Tribes
Bud Hover, Okanogan County Commissioner
Bob Brammer, Growers Clearing House
Ben Dennis, Federation of Fly Fishers
Chris Johnson, Methow Salmon Recovery Foundation
George Wooten, Conservation Northwest
Joe Miller for Dennis Beich, Washington Department of Fish and Wildlife
Keith Vradenburg, Entiat Watershed Group
Lee Carlson for Paul Ward, Yakama Nation
Marilynn Lynn, Foster Creek Watershed Group
Mark Bagdovitz, U.S. Fish and Wildlife Service
Mary Hunt, Douglas County Commission
Rob Walton, National Marine Fisheries Service
Ron Walter, Chelan County Commissioner
Steve Martin, Governor's Salmon Recovery Office
Sandy Cox, Okanogan County and Upper Columbia Salmon Recovery Board
Rick Smith, Wenatchee Reclamation District
Stuart Woolley, U.S. Forest Service
Tony Grover, Northwest Power and Conservation Council
Tracy Yount, Chelan Public Utility District

Attendees

Lynn Hatcher, National Marine Fisheries Service
Phil Archibald, U.S. Forest Service and Entiat Watershed Group
Nick Christoph, Okanogan County
Susan Crampton, Citizen
Julie Pyper, Chelan County Public Utility District
Mike Kaputa, Chelan County
Keith Wolf, Consultant to the Upper Columbia Salmon Recovery Board and Colville Tribes
Kate Terrell, U.S. Fish and Wildlife Service
Sandra Strieby, Highlands Associates
Chuck Jones, Alliance Consulting
Karin Whitehall, U.S. Forest Service
Paula Burgess, National Oceanic and Atmospheric Administration
Chris Furey, Bonneville Power Administration
Rick Mogren, National Oceanic and Atmospheric Administration
Chuck Peven, Chelan Public Utility District

Summary

Rob Walton of the National Marine Fisheries Service (NMFS) reviewed questions from the public and answers from NMFS about the Upper Columbia Regional Salmon Recovery plan. The complete text of the questions and answers is Appendix A of this summary.

Evaluations of the Draft Upper Columbia Region Salmon Recovery Plan

Rob Walton, NMFS

The scientific basis for the Viable Salmonid Population parameters (VSP) is solid. We have encountered no evidence to the contrary. VSP is sound scientific input but there are policies to follow as well.

Research, monitoring and evaluation (RM& E) are significant regional challenges. One issue needing attention is how data are used and managed.

Federal input into the Regional Recovery Plan on hydropower, hatcheries and harvest is forthcoming.

The Regional Salmon Recovery Plan needs an implementation plan.

From the perspective of the Technical Review Team (TRT):

- The All H Analyzer lacks sufficient information.
- The plan's vision statement needs to provide more rationale for the plan's goals
- Viability criteria need to be updated.
- The plan needs goals for environmental attributes.
- The degree of certainty of the 33% effectiveness scenario needs to be analyzed to determine if it is feasible.
- Recovery strategies need to be integrated across the four H's (habitat, harvest, hydropower, hatcheries).

Bud Hover, Okanogan County

The plan should avoid enforcement against the county and its citizens. The plan should avoid prohibitions.

The county's contribution should be judged on fish production not returning numbers of fish because of the lack of control over conditions and actions downstream of Wells Dam.

Habitat actions need to be designed to be sustained naturally and not to push the habitat past what it is capable of producing.

With a very high percentage of the county's land in federal or state ownership, there is a fear of being the "mitigation dumping ground." The county is concerned about being targeted to

bear a disproportionate share of the burden of recovery and about attempts to solve recovery problems by acquiring land. Individual land owners should not bear the cost of solving a region-wide problem and of implementing national policy.

There needs to be parity in managing and regulating water withdrawals.

In managing adaptively, make the least cost, lowest impact choices.

Changes in approach proposed by adaptive management need to be brought to the public and the Upper Columbia Salmon Recovery Board for review.

Funding sources for recovery actions need to be identified.

The county's acceptance of the plan should not open the door for state legislation encroaching on private property rights in the county. The county doesn't want to be forced to adopt the plan.

Assessments of the county's rivers need to be done to determine if they are producing all the fish they can.

The county will need to consider coordinating the salmon recovery plan with the county's comprehensive plan.

Mary Hunt and Marilynn Lynn, Douglas County

The plan and participants in the planning process need to provide assurances that agreed-to actions are sufficient to avoid enforcement and provide protection from litigation.

The plan:

- needs to take clearly into account its effects on citizens
- should remain voluntary and incentive-based to achieve real buy-in
- should address out-of-basin effects
- should incorporate the work of watershed groups
- needs to more completely address implementation.

Ron Walter, Chelan County

In implementation, the plan needs to defer to the plans developed by watershed groups in the counties. The first line in the recovery section describing actions should make clear the plan's deference to plans developed by county watershed groups.

Be smarter and less accusatory in choice of language describing threats and limiting factors. In describing threats and limiting factors, balance natural and human causes. Leave the details of how to address threats to local watershed plans.

The recovery process and participants need to provide assurances that:

- that local recovery efforts are matched in all watersheds, that each watershed is doing its part
- habitat conservation plans are implemented
- the Federally owned dams will implement improvements necessary for salmon recovery
- hatchery, harvest, predation and other out-of-basin effects influencing salmon survival and return to the Upper Columbia are addressed
- other agencies, districts and decision-making entities affecting salmon recovery will not act independently in terms of regional salmon recovery. Communication needs to be improved among the agencies and entities with responsibility for salmon recovery in the Columbia.
- NMFS will defend the counties in court if they sign on to the plan
- Permitting is streamlined for salmon recovery projects. For example, having to get nine permits for a project in the Peshastin River watershed is counter-productive.

The plan needs to consider the impacts of some of the actions currently proposed, for example, the impact of reintroducing Bull Trout to Lake Chelan on the lake's productive and economically important recreational fishery. The plan needs to reflect the realization that recovery will require managed actions and projects not just passive responses.

The plan needs to be written in a way that is more easily understood by non-scientists.

Concerning policy decisions, the language of pages 168 and 181 is too broad, allowing for possibly inconsistent interpretations.

Chapter 6 of the plan needs more work in terms of social and economic assessment. Chapter 7 needs catch data from NOAA. Chapter 8 needs more certainty on triggers for actions.

Bill Towey, Colville Tribes

It's important to point out that two recovery planning processes are under way simultaneously – 1) state recovery planning and 2) Federal recovery planning.

The Colvilles support submitting the Upper Columbia Salmon Recovery plan to the state as it is written now – there is adequate science and there has been adequate public involvement.

The Colvilles fully support discussing out-of-basin effects in the policy forums.

In particular, the policy forums and the plan should address the following:

- Assessments and Treatments
- Out-of-basin effects
- Land acquisition
- Compensation for “takes” and losses

- County regulations and how they fit in recovery planning
- Experimental populations (for example, spring Chinook in the Okanogan River).

There are no issues heard thus far that can't be resolved. It is the Colvilles' goal to proceed expeditiously. The UCSRB has a good record of considering the issues and finding commonality.

Lee Carlson, Yakama Nation

The plan needs to define how much time is required to get us where we need to be. Identify short-term and long-term steps.

The plan needs the detail, the participants and a plan for implementation. Spell out the how, who and when of implementation. Make explicit: Where are the commitments, and who will make those commitments. Define sources of funding to back up the commitments.

The plan needs to define how regulatory agencies are going to work into the plan. Define roles and responsibilities of counties, tribes, state and federal agencies, and other entities with responsibility for or affect on salmon recovery in the Columbia. The actions of Federal agencies need to be coordinated and integrated.

Define what implementation means to the UCSRB.

To increase public understanding of the plan, create a clearly written, concise summary document.

Establish a single point of contact available to provide information and respond to questions about the plan.

The efficiency of permitting recovery projects needs to be improved. The plan needs to be more specific about exact actions in exact locations.

Define how data are going to be used and managed.

Steve Martin, Governor's Salmon Recovery Office (GSRO)/ State Caucus

Provide specificity in actions and timelines.

The more the implementation structure meets local priorities the more likely the plan is to be implemented.

GSRO supports moving the plan's due date from October 17, 2005 to November 22, 2005 to allow for additional review and comment. Address the question and inform the public about what happens after November 22.

Provide a summary document of the science that is clear and understandable to the public.

The plan is technically sound.

Establish a single point of contact for information on salmon recovery planning in the Upper Columbia.

Joe Miller, Washington Department of Fish and Wildlife

The Technical Review Team (TRT) guidance needs to be updated by using the latest data.

The plan should use as models other recovery plans that have been successfully implemented. In implementation, link habitat conservation effort and recovery metrics. Define mechanisms and the timeline for implementation.

Participation by land owners and the public is imperative. Provide information to land owners and the public that connects conservation and recovery and habitat actions and metrics.

Define the how and when of implementation.

Consider a mechanism for judging a plan's ability to be implemented, such as Clark and Kerava's study.

Assign a team specifically dedicated to implementation.

Summary of Public Comments on the Draft Plan Issued 30 June 2005

Most of the comments received concerned chapter 5: Strategy for Recovery.

The draft plan contains too many acronyms. The scientific writing is sometimes hard to understand as are some of the charts, graphs and figures.

Recovery actions need to be more clearly defined.

Other Issues That Need to be Addressed in the Policy Forum and Additional Comments on the Draft Plan From Other Policy Forum Representatives and Attendees

Integrate the plan's actions with other salmon recovery projects. Do a better job of figuring out who's doing what. For example, the Methow Restoration Group was created to prevent duplication of efforts and nullifying projects that may be side by side.

Distinguish between voluntary and required projects.

Provide more information to the public about salmon recovery planning.

Different agricultural activities may have different impacts on water and fish and may require different responses. For example, what is appropriate in a watershed where apples are grown will not be appropriate in a watershed where ranching dominates.

The plan should be specific about the types of habitat being manipulated.

The plan should devote more attention to groundwater and to water storage in watersheds (particularly in light of global warming).

The plan needs to rank actions in order of priority.

In implementing the salmon recovery plan, take advantage of state funds.

Resolve disagreements over the validity of the science upon which the plan is based. Stakeholders in Okanogan dispute the validity of some of the science basic to the plan.

The plan needs to address financial compensation to landowners who implement salmon recovery projects.

The Northwest Power and Conservation Council is considering making available five to six million dollars a year for three years for projects in the Upper Columbia. Information on this funding may be available in mid-January 2006.

The Upper Columbia Regional Salmon Recovery Plan needs to be consistent with subbasin plans. The actions proposed by both sets of plans need to be consistent. Prioritize actions that address limiting factors. Provide flexibility in terms of specificity. Be alert for funding opportunities.

Additional Comments

Bud Hover asked if the policy forums were duplicative of the Upper Columbia Salmon Recovery Board.

Rob Walton asked if we have enough folks at this table or if we should consider rescheduling the forum meetings.

Mary Hunt said that initially this forum was set up to discuss out-of-basin effects. The focus was changed to focus on in-basin effects because of concern that discussing factors over which the Upper Columbia counties had no control would be frustrating and unproductive. Mary suggested that perhaps we need to change the focus back to the original intent of the Forum and that is to address out-of-basin effects. Mark Bagdovitz observed that out-of-basin effects are a topic of concern and perhaps the focus of this forum should return to them.

Chris Johnson stated that there has been more accomplished and discussed in this meeting today than in the last three Okanogan Steering Committee meetings and it would have beneficial to have the Steering Committee members here today.

Chris Hoffman asked if the real issue is that there is not adequate and broad enough representation here or is it that we are off track and not addressing the proper topics?

Chuck Jones thought that it would be beneficial to proceed with out-of-basin topics at the next policy forum. Mary Hunt observed that after hearing everyone's comments today "we are all pretty much on the same page," but the out-of-basin issues are the topics that we have not had the opportunity to discuss.

Chuck Peven mentioned that among the last set of comments were issues set aside to be addressed in the policy forums.

Chris Johnson asked for clarification about the types of topics to be covered in addressing out-of-basin effects. Rick Mogren said that there is not much that this group can discuss that will change out-of-basin effects. However, the policy forum would provide a way to consider these issues and inform everyone about parallel efforts and how efforts in the lower Columbia affect efforts in the Upper Columbia. Issues include:

- Habitat mainstem (non hydro)

- Estuary

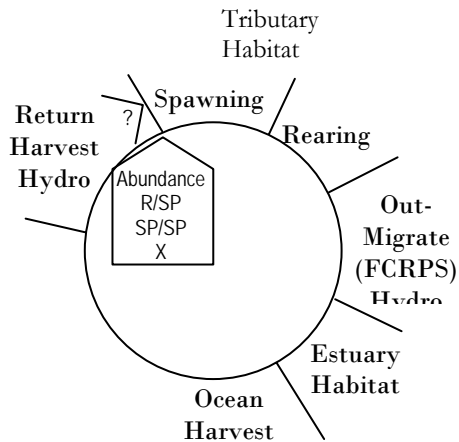
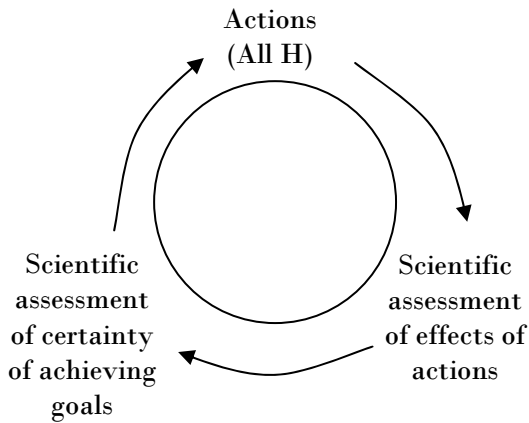
- Research, monitoring and evaluation (RM&E) (regional wide score card)

- Cost estimates to accomplish recovery

- Endangered Species Act (ESA) assurances

- Predation is being handled in the mitigation but can certainly be discussed.

Rob Walton provided and discussed the following three diagrams:



| <u>Funding Sources</u> | <u>Potential Actions</u> |
|------------------------|--------------------------|
| SRFB (PCSRF) | - |
| BPA/Council | - |
| PUD – HCP | - |

In conclusion, the group decided to address in-basin issues in forums 1 and 2 and out-of-basin effects in forums 3 and 4 as described in **Next Steps** below.

Key Issues

Discussion during the forum revealed general agreement on the list of issues to be addressed in the policy forums. These key issues are:

- **Implementation**
 - Integration with local watershed plans
 - Defining the who, what, where and when of implementation (Specificity)
 - Coordination of effort
 - Cost analysis
 - Measurement of results
- **Actions**
 - Secure funding
 - Rank in order of priority
 - Specify voluntary actions
 - Coordinate mandatory actions. Acknowledge they are occurring and that they are consistent with the regional salmon recovery plan
 - Acknowledge limits
 - Specify when goals have been reached and recovery responsibilities have been met

Validate the effectiveness of actions

- **Assurances**
- **Permitting**
Streamlining permitting for salmon recovery projects
- **Research, monitoring and evaluation**
- **Integration**
Integrate the work of the watershed groups in the three counties
Integrate tracking of results of recovery projects
Coordinate government agency decision-making about Columbia River salmon recovery
Integrate all H's.

Next Steps

Mary Hunt proposed that the October 6th meeting be a continuation, validation and closure on the issues discussed today. Mary proposed that the October 26 policy forum transition into discussing out-of-basin effects, which will also be addressed in the November 17th policy forum. Mary recommended the participation of the Federal Caucus in both meetings.

Rob Walton suggested that the items compiled at this forum be documented and circulated for review by those in attendance. He suggested refining these possible recommendations via email and recirculating them so that the forum's first list of recommendations on the plan could be validated at the October 6th meeting. The facilitators will prepare a set of possible recommendations for the group's consideration.

The group decided to proceed as proposed.

**Questions from the Public on the
Draft Upper Columbia Salmon Recovery Plan
Answers from National Marine Fisheries Service
September 13, 2005**

1. The Draft Upper Columbia Salmon Recovery Plan applies to what species?

The plan is intended to recover the three species listed under the federal Endangered Species Act (ESA) that originate from the Upper Columbia River region. We expect that the non-listed salmon species (summer Chinook, sockeye, and reintroduced Coho salmon) will also benefit from this plan. Under the ESA, the National Marine Fisheries Service (NMFS), also known as NOAA Fisheries, is required to develop a plan to recover species listed under the ESA. In the Upper Columbia River basin, spring Chinook salmon and steelhead are both listed as “endangered.” A separate agency, the U.S. Fish and Wildlife Service is required to develop a plan to recover Bull trout, which is listed as “threatened” in this region.

2. What is the goal of the Recovery Plan?

The Upper Columbia Salmon Recovery Board (UCSRB) set the following vision statement for their plan. NMFS supports these goals.

- a. Meeting recovery goals established for listed populations of spring Chinook, steelhead, and bull trout,
- b. Achieving sustainable harvests of key species within the recovery region and the Columbia River,
- c. Realizing these objectives while recognizing that agriculture and urban development are beneficial to the health of the human environment within the recovery region,
- d. Considering limited harvest (tribal and non-tribal) could occur during the recovery period, and
- e. A road map of non-regulatory, voluntary measures that is not intended to override anyone’s authority over habitat, hydropower, hatcheries, and harvest.

3. How much water do salmon need?

In protecting salmon, the challenge is not to provide an absolute quantity of water, but to meet the particular needs of fish at certain places and times in their life cycle. Adult salmon migrating upstream have different needs than juvenile salmon migrating downstream, and spawning or rearing habitat needs are different still. It’s a question of what’s needed when and where – and that’s not a simple answer. We recognize that people have varying needs for water too—for agriculture, towns, industries, recreation, and aesthetics. Watershed plans are helpful for identifying ways to meet all these needs in a balanced approach. Healthy watersheds are all about water – capturing the rain, holding and releasing it slowly. Poor watershed conditions mean more fires, floods, erosion, and drought for both people and fish. The UCSRB has stated that it will rely heavily on the local watershed planning units to identify the needs, and the means to balance those needs. We support that approach, provided it is consistent with the clear legislative requirement to use the best scientific and commercial data available.

4. Will the recovery plan result in regulations or mandatory actions?

The salmon recovery plans are binding only on NMFS. They do not obligate any party other than NMFS. The ESA requires NMFS to develop recovery plans for all listed species, but the plans are not enforceable or regulatory. Rather the plans set goals and identify actions that would, if implemented, lead to recovery of the listed species. We will use the salmon recovery plans to help others focus their efforts most effectively to aid the fish. We hope these actions will be taken, but they are not in themselves enforceable as a result of the recovery plan.

Since the recovery plan, by itself, is not an “enforceable” document in terms of having the authority to require that certain actions are taken, NMFS recognizes that the best way for this plan to be successful is to have the support of those who are affected by it. This plan is based on the benefits of voluntary actions, and we strongly encourage that approach. Our hope is that a locally developed plan that is adopted by the local, state, tribal, and federal governments and supported by multiple stakeholders will fulfill the vision statement of the UCSRB and result in recovery of the listed species.

5. How will the recovery plan be used? Will NMFS’ recovery plan eventually be used by Federal agencies to regulate land use, water rights and other activities within the Upper Columbia region?

The plan is intended to be an informative tool for organizing strategies and coordinating actions involving salmon recovery. Neither the UCSRB’s recovery plan nor NMFS’ supplement is a regulatory document. As statements of vision, goals, strategies, and actions for salmon recovery in the region, recovery plans may be used for information and guidance when federal, state, tribal, or local agencies or private property owners are considering certain kinds of actions that are subject to regulation or permitting. For example, if the Forest Service needs to replace a failing culvert, it might consider replacing it in a manner that would aid fish passage rather than simply considering road safety and drainage. Also, if the Forest Service had several culverts needing repair, it might prioritize the replacement of those that are most important for passage of listed salmon and steelhead.

NMFS will use the recovery plan and supplement to monitor the status and trend of different listed runs of salmon and steelhead (Ecologically Significant Units or ESUs) and to guide and expedite ESA Section 7 consultations, Habitat Conservation Plan approvals, and permit applications for proposed actions that are consistent with recovery objectives. The plan will be used to help determine how proposed actions would affect specific listed ESUs and populations and whether the actions would be consistent with salmon recovery. NMFS will also use the recovery plan in decisions regarding the allocation of federal funds.

6. What is the relationship between the UCSRB’s Draft Upper Columbia River Salmon Recovery Plan and NMFS’ recovery plan? What happens to the UCSRB’s plan once it is “handed off” to NMFS?

NMFS must approve each recovery plan, based on statutory requirements (i.e. the ESA), as well as relevant regulations and agency guidance. This approval is written in the form of a “supplement” to the plan. Supplements contain three elements: (1) a description of how the plan meets the statutory requirements; (2) addition of missing elements or an explanation of

how such elements will be developed in the future; and (3) a description of the proposed delisting criteria for the ESUs discussed in the recovery plan. The ESA requires an opportunity for public review and comment on the draft plan, with notice published in the *Federal Register*. The standard amount of time is 60 days.

7. What is NMFS' commitment to accepting any consensus recommendations that emerge from the stakeholder forum process?

NMFS hopes that the stakeholder forum process results in broad public understanding of, and support for, the recovery plan. We encourage and will accept consensus recommendations that are scientifically sound and consistent with achieving recovery.

8. What assurance does the public have of protection or benefits in federal processes under this plan? The Habitat Conservation Plan (HCP) process provides the public utility districts (PUDs) with certain assurances in return for achieving agreed-upon conservation goals. What assurances will NMFS provide the Upper Columbia region counties in return for signing off on the recovery plan?

The ultimate assurance is that successful implementation of a scientifically sound recovery plan would result in a delisting of the ESU. Those who take actions that are consistent with the plan would have substantially reduced risk of NMFS enforcement, as well as reduced risk of third party litigation, although NMFS cannot assure complete protection from third party claims. Those implementing recovery activities may need or want to seek permits for their actions, which would provide an even higher level of assurance. NMFS is committed to streamlining the permitting process for anyone implementing recovery actions. Assurances can also be provided in the form of NMFS support for funding priorities, along with statements of NMFS support for proposed programs and actions.

If the Upper Columbia region wants to make binding commitments to specific recovery actions it will be taking, a Habitat Conservation Plan (HCP) could be developed, such as the ones covering the PUD dams. However, the process of developing an HCP is long and quite demanding; it is not clear that the region's stakeholders are ready to enter into such binding obligations.

9. What are the benefits of signing on to this plan?

No one except the lead agencies (NOAA and the USFWS) actually "signs on." But there are benefits to supporting the plan and managing the fishery resource, land, or water in ways that are consistent with the plan. If you are doing business that involves land or water, you are probably affecting salmon habitat directly or indirectly, and in sooner or later you may need to apply for a land use permit, a water or chemical discharge permit, an incidental take permit, or other kind of permit that may entail scrutiny under the ESA or related statutes and regulations. Using the recovery plan for information and guidance to clarify how you might reconcile your desired actions with recovery objectives will help you steer your way through these planning and permitting processes more effectively. NMFS is encouraging Federal and state agencies to streamline the permitting process for those implementing recovery actions identified in the plan. The plan can also be used to help guide funding

decisions; so planning actions that are consistent with the plan may offer opportunities for financial support.

10. What are the consequences of not signing onto this plan?

(See previous question regarding “signing on.”) NMFS is required to develop and implement recovery plans (with or without local support). By participating in this plan’s development and implementation, you can help ensure that it makes sense, is practical, is based on local input, adequately addresses local concerns, and supports the local economy while recovering species to the point where protection under the ESA is no longer required. By not achieving recovery, your region and community will not have the benefit of returning fisheries, abundant wildlife, or improved water quality and quantity from healthier watersheds; in addition, you would likely face ongoing restrictions on activities in order to comply with the ESA.

11. Will NMFS change the plans? Will the UCSRB change the plans?

The plans are intended to be “living documents” that can be modified as we learn more about the benefits and costs of our actions, but NMFS is committed to notifying and working with interested parties before changing the plans. NMFS and the UCSRB will use adaptive management to incorporate new information into the plans, as recovery actions are taken and monitoring data become available. The salmon life cycle is complex, and recovery, too, will be a complex process. There is substantial uncertainty in this process, and we are not completely certain as to what combination of actions across the salmon life cycle will be most effective for achieving recovery. As we undertake actions for recovery, we will have to make monitoring, research, and evaluation very high priorities. We will need to make adjustments to our actions in response to new information.

12. And then is it still our plan – or is it NMFS’ plan?

We are striving for a partnership. NMFS has responsibilities under the ESA to develop and implement recovery plans, but in many cases we do not have the authority to undertake the actions that are needed. Voluntary participation and coordination with other federal agencies, state, local, and tribal governments, local subbasin and watershed planning groups, and individual land and water users is needed to achieve recovery goals. We hope that a locally developed plan that is adopted by the local, state, tribal, and federal governments will work better for both the fish and the people, and be “owned” and supported by all those who are affected.

13. (a) Who “sets the bar” (who sets the delisting criteria)? (b) How close are we to it and (c) What if we cannot meet it?

(a) NMFS sets the bar for delisting under the ESA. NMFS has established panels of expert scientists from various agencies and sectors across the Pacific Northwest to recommend technical criteria that form the foundation for the recovery goals in each recovery area. These groups of scientists are called Technical Recovery Teams (TRTs). In collaboration with NMFS scientists in the three eastern Washington regions, the Interior Columbia TRT established measurable recommended criteria regarding: (1) levels of abundance (numbers returning to spawn); (2) spatial distribution within a geographic range; (3) genetic diversity;

and (4) productivity (numbers of offspring) for salmon in the different regions, including the Upper Columbia. The UCSRB has proposed actions to meet these criteria. In consultation with the TRT and others, the NMFS Regional Administrator will determine whether there is reasonable likelihood of recovery if these actions are taken.

(b) We have had some very good years of returning salmon and some poor years. The plan identifies a way to consider an average across these four criteria and across several years to say when the goal is met. At the suggestion of the UCSRB, the plan places an emphasis on the productivity criterion—that is, how many salmon fingerlings are produced in the region—because that is a critical factor over which the region can have considerable control.

There is no doubt that we are making great strides in our efforts to recover salmon—in more selective harvest practices, better survival past the Columbia River dams, better hatchery practices, and great strides in protecting and improving the habitat where they spawn and rear.

(c) Recovery plans are not required to provide absolute certainty of success. If there is considerable uncertainty of achieving success in the Upper Columbia, the UCSRB and regional forum will be able to consider options.

14. What constitutes success?

Success depends on your point of view. To the salmon and steelhead, it would probably be clear, cold water and healthy stream conditions throughout their freshwater range, as well as favorable ocean conditions and harvest that allows ample spawners to return and reproduce. To a biologist, it would be evidence that the listed species are meeting specific goals for abundance, spatial distribution, diversity, and productivity. To NMFS, success would be delisting both species. To local communities, as indicated in the Upper Columbia Salmon Recovery Board's vision statement, success would include sustainable, harvestable populations of salmon coexisting with continued agricultural and urban development, achieved through non-regulatory, voluntary measures.

15. Did the Upper Columbia plan use the most recent data available? The plan now uses the terms “best available scientific information” and “credible data.” How can we be assured of this?

We are striving to gather and use the best available information to develop recovery criteria, and to determine the suite of actions in the plan to meet those criteria. We rely on local biologists as well as federal, state, and tribal scientists, who can make sure that the plan does indeed use the best and most credible data. We will never have perfect data to make decisions; however, we are working to address information gaps or inconsistencies in an affordable way. The draft plan does include fish return data from 2000, 2001, and in some cases 2002 and 2003. The recovery plan should also use the best information, for example, from local sub-basin assessments and watershed plans, to determine limiting factors across the fish life cycle.

The initial Upper Columbia recovery plan is not expected to be perfect, since they are based on existing information. Research and monitoring will be directed toward filling information gaps. Local recovery plans should be viewed as iterative documents that can adapt to new information and become more sophisticated with time.

16. Will this plan put us out of jeopardy? What will it take to get the Counties out of jeopardy?

In the ESA, the term “jeopardy” is used in the context of the continued existence of listed species, not in reference to counties or their economic activities. One way to restate this question is the following: Will this plan protect the county and landowners from ESA enforcement actions and lawsuits?

This is an important question, but the answer isn’t simple. If activities and actions are consistent with, or further the goals of, recovery plans, NMFS will support them, and will not pursue ESA enforcement. This should provide a measure of protection. However, the extent of protection or “assurance” that NMFS can provide depends on the specifics of the situation. Section 9 essentially makes it unlawful to “take” any listed species without advanced permission to do so. Permits, Habitat Conservation Plans, Section 7 Opinions, and Section 4d exceptions are examples of the mechanisms that can provide legal protection. The strongest level of protection from third party litigation is to acquire an incidental take permit or exemption through one of these mechanisms.

17. What is the county expected to do with the plan? If the counties adopt the plan, will NMFS change it?

Developing the recovery plan should be a collaborative effort by federal, state, local, and tribal governments, all with strong involvement by local citizens. The task of implementing the plan should be shared by all participating entities, based on each entity’s responsibilities, authority, technical expertise, and capacity. The draft plan will be published in the Federal Register, and we will invite further public comments on the plan. NMFS will then consider possible changes to the plan based on those comments, but NMFS is committed to continue to work with the UCSRB and involved parties in considering any changes.

We recognize that there are other planning efforts underway in the region, such as the watershed plans in the Wenatchee, Squilchuck, and Okanogan. Once these plans are completed, NMFS will consider incorporating them into the recovery plan. Additionally, there may be changes to the Northwest Forest Plan, the County Comprehensive Plans, and the PUDs’ Habitat Conservation Plans that may prompt changes to the recovery plan, which is intended to adapt over time -- with the involvement of local citizens.

18. What has been done in Okanogan County to harm salmon? Are the federal agencies putting the burden on the counties?

Some of the past actions in the tributaries have reduced the capability of salmon to thrive. For example, culverts that don’t allow fish passage restrict their abundance and distribution. Water withdrawals can reduce survival, as can pollutants. Channel modifications (by straightening streams and removing riparian cover) affect their productivity. We understand that great strides have been made in Okanogan County to correct many of these problems.

Many of the previous problems in the mainstem Columbia River, the estuary, and ocean are being corrected as well. The goal of the recovery plan is to continue these efforts, primarily by setting goals that are based on good science and agreed to by all, setting priorities to accomplish those goals, and identifying actions that are acceptable to all. The federal agencies will work with all the parties and interest groups to find cost effective and otherwise acceptable strategies and actions without putting an unfair burden on any sector.

19. How are recovery plans similar to, or different from, sub-basin plans?

The regional recovery plans start with the sub-basin plans, build on them, and in some cases update their data or recommendations in line with the most recent scientific work on salmon viability.

20. Will out-of-basin effects be addressed in the stakeholder forum process and the UCSRB's plan? If so, how will out-of-basin effects be addressed and corresponding out-of-basin stakeholders be engaged in the stakeholder forum process?

The UCSRB decided it would not be appropriate to deal with out-of-basin effects in the stakeholder forum process at this point in time, other than to provide information to stakeholders. The UCSRB's plan does address hydropower in the Columbia River mainstem, as well as some hatchery, harvest, and hydro issues in the Upper Columbia Basin. NMFS will write a Supplement to the plan, in which we will address out-of-basin hydro and harvest issues, including estuary and ocean factors. NMFS will provide the UCSRB with a draft of the Federal Supplement for their and other stakeholders' review and input before it is placed in the Draft Federal Register Notice.

21. To what extent do Bull trout, Caspian terns and marine mammals, all protected species, eat listed salmon and steelhead?

This is an example of the many challenges we face in recovering Pacific salmon. Bull trout, Caspian terns, marine mammals (e.g., California sea lions), and Pacific salmon have co-existed for thousands of years in the Columbia River. Like Pacific salmon, these species are protected by various Federal laws, so we must develop the Upper Columbia Recovery Plan with these considerations in mind. The Upper Columbia Recovery Plan will incorporate current management actions that are being implemented to reduce salmon predation by these species. As an example, Caspian terns nest on dredge material disposal islands in the Columbia River estuary and prey on juvenile salmon and other fish in the lower Columbia River. The Upper Columbia Recovery Plan will discuss the management actions the U.S. Fish and Wildlife Service and the Corps of Engineers have already taken to relocate Caspian terns from Rice Island to East Sand Island, which has significantly reduced salmonid predation by terns. In addition, the Upper Columbia Recovery Plan will identify specific actions that NMFS will take to reduce marine mammal predation on adult salmon in the Lower Columbia during their upstream migration.

22. When will the decision be made regarding recreational steelhead fishing?

Recreational steelhead fisheries have occurred in portions of the Upper Columbia Basin annually since 2002. The Washington Department of Fish and Wildlife makes an annual assessment of adult steelhead returns to the Upper Columbia. After NMFS review, this is

used to determine whether a fishery occurs in any given year. Criteria used in this assessment include the following:

- Total steelhead adult returns past Priest Rapids Dam (must exceed 9,550)
- Returns of natural-origin steelhead past Priest Rapids Dam (must exceed 1,300)
- Returns of natural-origin steelhead to individual tributaries (must exceed minimum numbers specified in the permit)
- Surplus marked hatchery fish must be available.

This assessment typically occurs in mid-September, based on steelhead run data collected at Priest Rapids Dam.

23. When will priorities for recovery actions be determined?

The UCSRB has recommended biological priorities in the Upper Columbia Recovery Plan for protection of salmon habitat in the upper watersheds and restoration of habitat in the lower watersheds. At a regional level, the Upper Wenatchee Watershed is identified as high priority because all three listed species, plus sockeye and summer Chinook salmon reside there. The upper Methow Watershed is second in priority. These biological priorities are based on the geographic distribution needs and habitat needs. The intent of the recovery plans—and watershed plans for that matter—are to set priorities on how, where, and when to implement the actions. The priorities recovery actions for harvest, hydropower, and hatcheries are being drafted by NMFS and appropriate federal agencies and co-managers and will be addressed with local stakeholders.

24. Will this plan call for land acquisitions?

The plan calls for protection of habitat necessary for salmon, but not necessarily land acquisition. The advantage of having local entities develop a recovery plan is that it promotes creativity in accomplishing an objective. For example, Chelan County and the Forest Service are working on ways to do “land swaps” that keep land in private ownership, while focusing on protecting key habitat areas. Also, Chelan County is developing ways to “lease” lands for protection of habitat, giving landowners flexibility and compensation in the process. We want to encourage these types of actions. They meet the technical criteria, but do so in ways that also meet the needs of local communities.

25. Who is funding the planning effort?

The main source of money is through Congress, which authorized the Pacific Coastal Salmon Recovery Fund. These dollars are provided to each state where Pacific salmon reside. In Washington State, the Salmon Recovery Funding Board (SRFB) disburses these funds through an annual competitive grant cycle. Congress stipulated that projects to recovery salmon must ultimately be tied to a federally approved recovery plan. In 2003, the SRFB provided funds to each region to locally develop recovery plans. Another major funding source is Bonneville Power Administration, which under the Northwest Power Act and the ESA is required to mitigate for fish mortalities at the Columbia River Dams. As part of their Habitat Conservation Plans, Chelan and Douglas PUDs provide money to the Tributary Fund, which will also support projects in the Upper Columbia Region. Many of the federal

agencies, such as the Forest Service, the Natural Resources Conservation Service, and the U.S. Bureau of Reclamation also have programs for contribution to salmon recovery.

While the ultimate goal of the planning process is to develop a comprehensive recovery plan, it is recognized that plan development and implementation will be a continuous and incremental process. Implementation of recovery actions won't be deferred until the plan is complete. Rather, individual recovery actions will be developed and implemented throughout the planning process.

Appendix C: Summary of Policy Forum # 2

Meeting held:

Thursday October 6, 2005

Grange Hall

Brewster, Washington

10:00 a.m. – 3:00 p.m.

Introduction

The National Marine Fisheries Service (NMFS) and the Upper Columbia Salmon Recovery Board (UCSRB) retained the U.S. Institute for Environmental Conflict Resolution to assist with convening and facilitating four policy forums. The purpose of the forums is to seek agreement on recommendations for the Upper Columbia Regional Salmon Recovery Plan. The goal of the recommendations is to increase regional understanding and acceptance of the plan and to enable the NMFS to fulfill its statutory requirements.

In August 2005 a committee convened by the Upper Columbia Salmon Recovery Board selected Todd Peterson and Chris Hoffman of Norton-Arnold & Company to facilitate the policy forums.

The first forum was conducted on September 15, 2005 in Brewster, Washington. The purpose of the first forum was to identify key issues that forum representatives would address in subsequent meetings in seeking agreement on recommendations for the regional salmon recovery plan. To this end, forum representatives provided their evaluation of the draft plan and identified the issues that need “to be on the table.” The purpose of the second policy forum was to seek agreement, in the form of recommendations, on the issues raised in the first forum. The facilitators distributed a set of possible recommendations to policy forum representatives prior to October 6 for their consideration.

This report summarizes the process and findings of the second forum, held on October 6 in Brewster Washington, from 10 a.m. to 3:00 p.m.

Agenda

| | | |
|-------------------|--|--|
| 10:00 a.m. | Welcome and introductions | Todd Peterson All |
| 10:15 a.m. | Policy forum overview <ul style="list-style-type: none">• The purpose of the forums <i>To seek agreement on recommendations for the Upper Columbia Salmon Recovery Plan in order to increase understanding and acceptance of the plan and to enable the plan to meet NMFS's statutory requirements</i>• Groundrules <i>Focus on interests not positions</i> <i>Use the group's time well</i> <i>No personal attacks</i> <i>Test assumptions</i> <i>Jointly design ways to resolve disagreements and create solutions</i> <i>Agree on what important words mean</i> <i>Share information with non-group members</i>• Operating principles <i>Decision-making and problem-solving based on interests, options and standards</i>• The role, responsibility and commitments of the facilitators, forum participants and the public• The goal for Forum #2 <i>Reach agreement on a set of recommendations for the Upper Columbia Salmon Recovery Plan specifically concerning in-basin effects</i> | Todd Peterson |
| 10:30 a.m. | Measuring performance of habitat restoration in the Upper Columbia basin | Dennis Beich Casey Baldwin, WDFW |
| 11:00 a.m. | Standards for evaluating recommendations: <i>The recommendation increases understanding and acceptance of the plan.</i> <i>The recommendation enables the plan to meet NMFS's statutory requirements.</i> | Todd Peterson |

| | | |
|-------------------|--|--|
| 11:05 a.m. | Discussion to reach agreement on recommendations concerning implementation | All |
| 12:00 Noon | Lunch | |
| 12:30 p.m. | Discussion of recommendation concerning data management and use | All |
| 12:45 p.m. | Discussion of recommendations concerning integration | All |
| 1:05 p.m. | Discussion of recommendation concerning research, monitoring and evaluation | All |
| 1:20 p.m. | Discussion of recommendation concerning disputed science | All |
| 1:50 p.m. | Discussion of recommendations concerning assurances | All |
| 2:20 p.m. | Discussion of recommendations creating a clear and concise plan | All |
| 2:30 p.m. | Break | |
| 2:45 p.m. | Discussion of other recommendations | All |
| 3:30 p.m. | Summary of the sense of the group | Chris Hoffman Todd Peterson |
| 3:50 p.m. | Next steps | Todd Peterson |
| 4:00 p.m. | Adjourn | |

Participants

Policy Forum Representatives

Bill Towey, Colville Tribes
Bud Hover, Okanogan County Commissioner
Ben Dennis, Federation of Fly Fishers
Chris Johnson, Methow Salmon Recovery Foundation
George Wooten, Conservation Northwest
Jim Boynton, U.S. Forest Service
Marilynn Lynn, Foster Creek Watershed Group
Mark Bagdovitz, U.S. Fish and Wildlife Service
Mary Hunt, Douglas County Commission
Norm McClure, Okanogan County Conservation District
Ralph Longanecker, City of Tonasket
Rob Walton, National Marine Fisheries Service
Ron Walter, Chelan County Commissioner
Sandy Cox, Okanogan County and Upper Columbia Salmon Recovery Board
Steve Martin, Governor's Salmon Recovery Office
Steve Parker for Paul Ward, Yakama Nation
Tracy Yount, Chelan Public Utility District

Attendees

Bob Bugert, Biophilia
Lee Carlson, Yakama Nation
Lynn Hatcher, National Marine Fisheries Service
Nick Christoph, Okanogan County
Casey Baldwin, Washington Department of Fish and Wildlife
Chris Drivdahl, Governor's Salmon Recovery Office
Ed Parison
Mark Cookson, Washington Department of Fish and Wildlife
Kate Terrell, U.S. Fish and Wildlife Service
John Umberger, MBPU
Sandra Strieby, Highlands Associates
Chuck Jones, Alliance Consulting
Karin Whitehall, U.S. Forest Service
Chris Furey, Bonneville Power Administration
Chuck Peven, Chelan Public Utility District

Overview

The forum was originally scheduled to run until 4:00 p.m. but ended at 3:00 p.m. to accommodate an emergency UCSRB meeting. The discussion on possible recommendations from the policy forum to the UCSRB focused on the topics considered to be most important to the improving the recovery plan. This summary outlines the issues that were discussed related to the recommendations and provides the recommendations that forum representatives came to consensus on. Due to a technical problem, the presentation on “Measuring Performance of Habitat Restoration in the Upper Columbia Basin,” was moved from its original morning time slot to the end of the agenda.

Implementation Recommendations Discussion

The majority of the discussion focused on recommendation #1: *The plan will specify the who, what, when and where of salmon recovery actions.* Rob Walton indicated that the UCSRB can be as specific as it wants to be, and that the *when and what* need to be addressed in the plan, but that the *who and where* (specific locations) are not required.

Other comments included:

- The Implementation Plan should contain detailed information, not the recovery plan.
- Being specific as possible in the plan is important so that the region can measure progress and “know when it’s done” with restoring and protecting habitat.
- Everything cannot be defined, but there needs to be agreement of all parties to follow through with implementation.
- There needs to be a balance between specificity and flexibility.
- The recovery plan cannot spell out every project.
- The local processes are the appropriate entities to implement actions.
- There needs to be some sort of coordinating body for implementation.
- No one should expect that implementing habitat recovery actions alone will achieve recovery.
- Because the majority of the land in the region is owned by state and federal agencies, the plan needs to set expectations for actions implemented by those agencies.
- Implementation needs to include what is needed to meet recovery objectives.
- Land acquisition should not be part of implementation.
- Any land acquisition that does take place should result in no net loss of tax base.
- There should be flexibility for counties to use all recovery tools, including land acquisition, but that decisions on which tools to use need to be made at the local level.
- Implementation priorities need to be set for the short-term to ensure that funding opportunities (such as BPA’s October – January solicitation for project funding) are not missed.

At the end of the discussion, participants decided that the board should have some discretion in the level of detail regarding implementation. Participants came to consensus on the following recommendation to the UCSRB:

Recommendation #1: The Salmon Recovery Plan will specify how the who, what, where, and when of salmon recovery actions will be determined, and will rely on the Implementation Plan for specific guidance.

Participants agreed to suggest language changes for the remaining implementation recommendations.

Assurances Recommendations Discussion

The discussion on assurances recommendations focused on: 1) what NMFS commitment will be to representing and protecting the counties from lawsuits that stem from the plan, and; 2) possible state legislation that would attempt to “enforce” the plan. On the first item, Bud Hover said that it is important to know that once the county has “done its job” on recovery that NMFS provide legal and technical support to the counties to confirm county adherence to the recovery plan. Rob Walton indicated that NMFS would support the counties if they were consistent with the plan and were sued, but that NMFS would not represent the counties directly. On the second item, the forum representatives agreed that it should be up to the UCSRB to decide how to address the issue of the state using the plan to develop legislation.

Rob Walton indicated that there are different options for pursuing assurances for actions within the region, including:

- Biological Opinions (if there is a federal connection to the action)
- Incidental take permit
- Habitat Conservation Plans
- A letter from NMFS

At the end of the discussion, forum representatives came to consensus on the following recommendation to the UCSRB:

Recommendation #2: The plan will identify legal assurances options for implemented actions outlined in the recovery plan.

Disputed Science Recommendation Discussion

The discussion on the disputed science recommendation indicated concern that some of the science in the recovery plan is not peer reviewed, and that this science is being used to identify recovery actions that “good” science does not support. Forum representatives also said that it was not their job to weigh in on “good” or “bad” science within the plan, but that it is appropriate for the forum to provide a recommendation on how the UCSRB should address challenges to the science in the plan. The comment was made that it is incumbent on those challenging the science to provide some basis for the challenge; that the UCSRB should

not be expected to address comments that express a dislike for the science without explaining why.

At the end of the discussion, forum representatives came to consensus on the following recommendation to the UCSRB:

Recommendation #3: The UCSRB will develop a mutually acceptable means to consider disputed science in the plan, and will address comments on disputed science that provide a detailed basis for dispute (literature citations, empirical evidence, etc.).

Integration Recommendations Discussion

A brief discussion on integration recommendations resulted in NMFS volunteering to provide language for forum representatives to consider at the third forum. Representatives felt this made sense since the plan for the third forum is to focus on out-of-basin effects.

Other Recommendations Discussion

Due to the shortened agenda and the amount of time allocated to priority recommendations, the policy forum did not address recommendations concerning: Data Management and Use; Research, Monitoring and Evaluation, and; Creating a Clear and Concise Plan. Forum representatives were asked to email suggestions for changing those recommendations to Todd and Chris.

Habitat Performance Discussion

After Casey Baldwin's presentation on "Measuring Performance of Habitat Restoration in the Upper Columbia Basin," the policy forum briefly discussed the ability of salmon habitat within the region to support salmon recovery. In general, forum representatives agreed that there was a limit to habitat's contribution to recovery due to a number of out-of-basin impacts. The discussion also highlighted a number of other key points, including:

- The wisdom of investing in habitat recovery actions when they may not have the ability to offset other H impacts
- Habitat actions need to be tied directly to limiting factors and when those factors are addressed it needs to be acknowledged that the region has done all that it can do for recovery.
- Metrics need to be measured in order to track habitat's and other H's affect on recovery.

Next Steps

As discussed at Policy Forum #1, the next two forums will focus on out-of-basin effects, and how the other H's will be integrated into the region's recovery plan. Part of the next forum will also be dedicated to formally adopting a set of recommendations that the policy forum will make to the UCSRB. The facilitators will prepare a letter to the UCSRB by the policy forum with the agreed to set of recommendations. The Federal Caucus will be invited to

participate in both forum #3 and #4. Forum #3 will be held on October 26 in Brewster and Forum #4 will be held on November 17 in Chelan.

Policy Forum #2: Possible Recommendations from Policy Forum Representatives

Standards for Evaluating Possible Recommendations

1. The recommendation increases understanding and acceptance of the Upper Columbia Salmon Recovery Plan.
2. The recommendation enables the National Marine Fisheries Service to fulfill its statutory requirements concerning recovery plans.

Implementation

1. The plan will specify the who, what, when and where of salmon recovery actions.
2. The plan will specify the cost and funding source of salmon recovery actions.
3. The plan will assign a team dedicated to implementation to ensure coordination of recovery actions.
4. The plan will define how the results of salmon recovery actions will be measured.
5. In implementation, the plan will follow the lead of actions developed by the Chelan, Douglas and Okanogan watershed groups.
6. Implementation of recovery actions will be voluntary and incentive-based.
7. Recovery actions will not be based on or require forced land acquisition.
8. The plan will specify provisions for compensating private landowners for expenses incurred in implementing salmon recovery projects.
9. The plan will bind cooperating agencies to efficient processing of permits for salmon recovery projects.

Data Management and Use

1. The plan will define how salmon recovery data will be managed, updated and used.

Integration

1. The plan will integrate consideration of all the Hs.
2. The plan will define integration of decision-making of all entities with responsibility for salmon management in the Columbia River so that recovery goals and actions in the Upper Columbia are not impeded or nullified by decisions made by downstream authorities.

Research, Monitoring and Evaluation

1. The plan will define a program of research, monitoring and evaluation concerning salmon recovery in the Upper Columbia.

Disputed Science

1. The policy forum representatives will develop a mutually acceptable means to identify and address disputed information currently in the plan.

Assurances

1. The plan will provide assurances that if the counties sign on to the plan that NMFS will provide legal representation and protection in the event of litigation related to the plan.
2. The plan will stipulate that the counties' signing on to the plan does not represent invitation of or acquiescence with possible state legislation concerning salmon recovery land use regulation in the counties.

Creating a Clear and Concise Plan

1. The plan will provide a concise, clearly written public summary.
2. The policy forum representatives will identify charts, graphs and figures in the plan that are difficult to understand and require revision.
3. The plan will be edited to remove repetition and to be more easily understood by the public.

Appendix D: Summary of Policy Forum # 3

Held on:

Thursday November 17, 2005

Fire House #7

Chelan, Washington

10:00 a.m. – 5:00 p.m.

Introduction

The National Marine Fisheries Service (NMFS) and the Upper Columbia Salmon Recovery Board (UCSRB) retained the U.S. Institute for Environmental Conflict Resolution to assist with convening and facilitating four policy forums. The purpose of the forums is to seek agreement on recommendations for the Upper Columbia Salmon Recovery Plan. The goal of the recommendations is to increase regional understanding and acceptance of the plan and to enable the NMFS to fulfill its statutory requirements under the Endangered Species Act.

In August 2005 a committee convened by the Upper Columbia Salmon Recovery Board selected Todd Peterson and Chris Hoffman of Norton-Arnold & Company to facilitate the policy forums.

The first forum was conducted on September 15, 2005 in Brewster, Washington. The purpose of the first forum was to identify key issues that forum representatives would address in subsequent meetings in seeking agreement on recommendations for the regional salmon recovery plan. To this end, forum representatives provided their evaluation of the draft plan and identified the issues that need “to be on the table.” The purpose of the second policy forum was to seek agreement, in the form of recommendations, on the issues raised in the first forum. The facilitators distributed a set of possible recommendations to policy forum representatives for their consideration before and during the second forum on October 6.

During the second forum, forum representatives reach agreement on three recommendations and developed 14 possible recommendations. The purpose of Policy Forum # 3 was to seek agreement on these and other possible recommendations and to consider information from NMFS concerning the impact of out-of-basin effects on the recovery of Spring Chinook salmon and steelhead in the Upper Columbia basin.

This report summarizes the process and findings of the third policy forum, conducted on November 17, 2005 in Chelan, Washington, from 10 a.m. to 5:00 p.m.

Agenda

| | | |
|-------------------|--|----------------------|
| 10:00 a.m. | Welcome and introductions | Todd Peterson All |
| 10:10 a.m. | Policy forum overview <ul style="list-style-type: none">• The purpose of the forums <i>To seek agreement on recommendations for the Upper Columbia Salmon Recovery Plan in order to increase understanding and acceptance of the plan and to enable the plan to meet statutory requirements of the National Marine Fisheries Service.</i>• Groundrules <i>Focus on interests not positions. Use the group's time well. No personal attacks. Test assumptions. Jointly design ways to resolve disagreements and create solutions. Agree on what important words mean. Share information with non-group members.</i>• Operating principles <i>Decision-making and problem-solving based on interests, options and standards</i>• The role, responsibility and commitments of the facilitators, forum participants and the public• Goals for Forum #3 <i>#1 Agreement on a set of recommendations for the Upper Columbia Salmon Recovery Plan</i> <i>#2 Evaluation of the impact of out-of-basin effects on the recovery of Upper Columbia River salmon and steelhead</i> | Todd Peterson |
| 10:20 a.m. | Level of agreement polling on possible recommendations | Todd Peterson |
| 10:50 a.m. | Seek agreement on recommendations under consideration: Recommendations concerning implementation | Todd Peterson |

| | | |
|-------------------|--|---|
| 11:20 a.m. | Recommendations concerning assurances | |
| 11:40 a.m. | Recommendations concerning data management and use | |
| 12:00 Noon | Recommendations concerning research, monitoring and evaluation | |
| 12:20 p.m. | Recommendations concerning creating a clear and concise plan | |
| 12:30 p.m. | Lunch | |
| 1:00 p.m. | Summary of agreed-to recommendations | Todd Peterson |
| 1:15 p.m. | Evaluating the impact of out-of-basin effects on the recovery of Upper Columbia River salmon and steelhead | Rob Walton Chris Toole Lynn Hatcher |
| | Decision-making forums across the Hs Q & A | Rob Walton |
| 1:55 p.m. | Survival rates over the years | Chris Toole Lynn Hatcher |
| | <ul style="list-style-type: none"> • Hydropower • Harvest • Estuary • Hatcheries | |
| | Q & A | |
| 2:40 p.m. | Next analytical steps | Chris Toole |
| | <ul style="list-style-type: none"> • Gap analyses | |
| | Q & A | |
| 3:20 p.m. | Discussion of possible recommendations concerning integration of out-of-basin effects | Todd Peterson |
| 3:55 p.m. | Next steps | Todd Peterson |
| 4:05 p.m. | Northwest Power and Conservation Council's new salmon recovery project solicitation process | Tony Grover |
| 4:35 p.m. | Adjourn | |

Participants

Policy Forum Representatives

Bill Towey, Colville Tribes
Bud Hover, Okanogan County Commissioner
Ben Dennis, Federation of Fly Fishers
Chris Furey, Bonneville Power Administration (BPA)
Rick Smith, Wenatchee Reclamation District
Dennis Beich, Washington Department of Fish and Wildlife
Keith Vradenburg, Entiat Watershed Group
Tony Grover, Northwest Power and Conservation Council
George Wooten, Conservation Northwest
Marilynn Lynn, Foster Creek Watershed Group
Mark Bagdovitz, U.S. Fish and Wildlife Service
Rob Walton, National Marine Fisheries Service
Ron Walter, Chelan County Commissioner
Kaitlin Lovell, Trout Unlimited
Karin Whitehall, U.S. Forest Service
Sandy Cox, Okanogan County and Upper Columbia Salmon Recovery Board
Steve Martin, Governor's Salmon Recovery Office
Lee Carlson, Yakama Nation
Shauna McReynolds, Pacific Northwest Utility Conference Committee (PNUCC)

Attendees

Bob Rose, Yakama Nation
Nick Christoph, Okanogan County
Kate Terrell, U.S. Fish and Wildlife Service
Chuck Jones, Alliance Consulting
Rick Mogren, National Oceanic and Atmospheric Administration (NOAA)
Michael Garrity, American Rivers
Lonnie Mettler, U.S. Army Corps of Engineers
Lee Hemmer, Douglas County Watershed
Richard Rice, Douglas County Landowners
Chris Toole, NOAA Fisheries
Chris Thew, Omak Chronicle

Overview

Policy Forum #3 had two purposes: First, to discuss and seek agreement on recommendations to the Upper Columbia Salmon Recovery Board concerning the Upper Columbia Salmon Recovery Plan; and second, to consider information from the National Marine Fisheries Service on the impact of out-of-basin effects on the recovery of Spring Chinook salmon and steelhead in the Upper Columbia basin. Out-of-basin effects include hydropower, hatcheries, conditions in the Columbia River estuary and harvest.

Todd Peterson advised that the following standards be used to evaluate possible recommendations:

1. The recommendation increases understanding and acceptance of the Upper Columbia Salmon Recovery Plan.
2. The recommendation enables the National Marine Fisheries Service to fulfill its statutory requirements concerning recovery plans.

Detailed comments on the possible recommendations included the following:

(Previously agreed to recommendation: The plan will specify how the who, what, where and when of salmon recovery actions will be determined and will rely on the Upper Columbia Salmon Recovery Board’s implementation plan for specific guidance.)

1. The plan will estimate the cost of Upper Columbia salmon recovery actions and will identify possible sources of funds.
Level of agreement polling. (Green indicates “Thumbs up,” Yellow indicates “I can live with it with modification” and Red indicates “Thumbs down.”) 9 Green, 6 Yellow, 1 Red)
 - Rob Walton mentioned that this is a statutory requirement.
 - Chris Fury mentioned that it should breakdown the estimate – more detail is needed.
 - Kaitlin Lovell stated that there should be an added mechanism to determine the cost rather than just a statement – and a system for validation and resolution of disputes.
 - Rob Walton said that NOAA (NMFS) is working on a strategy for this.
 - Dennis Beich stated that this statement speaks to the cost but should also mention the benefits.
 - Bud Hover stated that he is concerned that the money is the focus rather than the actual recovery of the fish. (Doesn’t want it to be viewed as a “recovery industry.”)
 - Chuck Jones observed that part of the statement is redundant.
2. The plan will define how implementation will be coordinated.
 - Level of agreement: 9 Green, 5 Yellow, 0 Red
 - Rob Walton said it makes sense to coordinate all of the efforts going on.

- Bud Hover stated that it is imperative that this happen so that the left hand knows what the right hand is doing. (Allows the proper information to inform the public.)
 - Chuck Jones mentioned the implementation recommendations that the UCSRB has forwarded on to the Governor’s Salmon Recovery Office (GSRO).
 - Bud Hover reiterated the need for a coordination of agencies.
 - Lee Carlson mentioned that since the time of subbasin planning the UCSRB has had the goal of coordinating all of these aspects.
 - Discussion ensued regarding the coordination in and out of the basin/region.
3. The plan will define how the results of salmon recovery actions will be measured.
Level of agreement: 13 Green, 1 Yellow, 0 Red
4. The plan will provide clear guidance that recovery actions will be voluntary and incentive-based.
Level of agreement: 12 Green, 2 Yellow, 0 Red
- Mark Bagdovitz suggested that there be clarification and definition of the term “incentive-based.”
5. Implementation of the Upper Columbia Recovery Plan will recommend projects and actions with the highest biological benefit to salmon, steelhead and Bull trout, and consider the priority projects and actions developed by the local watershed planning groups.
Level of agreement: 9 Green, 8 Yellow, 2 Red
- Dennis Beich asked about those areas of the region that do not have watershed groups and will not have those groups.
6. The plan will identify the Federal and state funding programs that provide resources to carry out salmon recovery actions. To the extent allowed by law, the plan will outline mechanisms for cost-sharing with private landowners for implementing salmon recovery projects. The plan will recognize citizens who are implementing salmon recovery projects.
Level of agreement: 9 Green, 6 Yellow, 0 Red
- Discussion ensued regarding compensation to landowners for lack of water to grow crops, maintain quality of crop plants, and prevent foreign/noxious weed infestation.
 - Dennis Beich suggested changes in wording.
 - Rob Walton suggested that this item be sent back to NMFS so that he can discuss with lawyers, etc.
 - Bill Towey and Bud Hover both asked why this needs to go back to NMFS – why it can’t be figured out at this level.
 - Rick Smith mentioned crops that cannot weather an interruption of water, like apples – there is long term damage and effects to consider.

7. The plan will define expectations of cooperating agencies for efficient processing of permits for salmon recovery projects.

Level of agreement: 14 Green, 2 Yellow, 0 Red

- Kate Terrell mentioned that the HCC discussed getting programmatic which would help this process along.
- George Wooten suggested changes in wording.
- Chris Fury mentioned needed mechanisms to streamline this process.

Assurances

Previously agreed to recommendation: The plan will identify legal assurance options for implemented actions outlined in the recovery plan.

Disputed Science

Previously agreed to recommendation: The Upper Columbia Salmon Recovery Board will develop a mutually acceptable means to consider disputed science in the plan, and will address comments on disputed science that provide a detailed basis for dispute (literature citations, empirical evidence, etc.)

Data Management and Use

1. The plan will define how salmon recovery data will be managed, updated and used.

Level of agreement: 14 green, 2 yellow, 0 Red

- Tony Grover voiced concerns about the storage of the data and who would fund on-going data management.
- Steve Martin mentioned that the mechanism is not yet in place.
- Lee Carlson stated that he would like to see the data reported.
- Shauna McReynolds mentioned that the data collected should meld well with other data in the region.
- Rob Walton stated that the data management is a black hole because it does not belong to anyone – it should be made as efficient and cost effective as possible.
- Kate Terrell mentioned that the RTT is working on coordinating data management.

Integration

1. The plan will include consideration of all the Hs.

Level of agreement: 12 Green, 5 Yellow, 0 Red

- Mark Bagdovitz stated that given all that has taken place in the last month this statement needs to be stated more strongly.

2. The plan will describe decision-making processes of entities with the authority to implement recovery actions so that actions across all the Hs are complementary and consistent with achieving recovery goals.

Level of agreement: 13 Green, 2 Yellow, 0 Red

- Steve Martin felt that this recommendation was redundant with implementation statement # 5
- Steve Martin suggested that this statement could be more geared to out-of-basin effects
- Karin Whitehall mentioned that just because you know what entities' decision-making processes are doesn't guarantee that you will know what their decisions will be.
- Steve Martin also mentioned that all or most of the decision-making processes are open public processes in which the Board could participate.
- Mark Bagdovitz mentioned that many of the agencies making decisions on the three other H's are not really public processes, they aren't advertised, etc.

Research, Monitoring and Evaluation

1. The plan will define a program of research, monitoring and evaluation concerning salmon recovery in the Upper Columbia.
Level of agreement: 13 Green, 2 Yellow, 0 Red
 - Shauna McReynolds stated that this is much like the Data Management and Use section – it needs to meld with other regional efforts.

Creating a Clear and Concise Plan

1. The plan will provide a concise, clearly written public summary.
Level of agreement: 12 Green, 1 Yellow, 0 Red
 - Rob Walton thought this a very reasonable request.
2. The policy forum representatives will identify charts, graphs and figures in the plan that are difficult to understand and require revision.
Level of agreement: 10 Green, 4 Yellow, 0 Red
 - Marilyn Lynn voiced a concern that it would be logistically impossible for this group to accomplish this given time constraints.
 - Chuck Jones mentioned that this is exactly what the comment period is for. This activity is taking place given the comment period and process for handling the comments.
3. The plan will be edited to remove repetition and to be more easily understood by the public.
Level of agreement: 15 Green, 0 Yellow, 0 Red
 - No discussion on this since all votes were green.

Through subsequent simultaneous group editing, the Policy Forum reached agreement on 18 recommendations, which were forwarded to the Upper Columbia Salmon Recovery Board.

Final Recommendations

Data Management and Use

1. The plan will acknowledge and state that the Board will ensure data are managed, coordinated, reported, and updated consistently with local, regional and statewide frameworks and guidance, pending their availability.

Implementation

1. The plan will specify how the who, what, where and when of salmon recovery actions will be determined and will rely on the Upper Columbia Salmon Recovery Board's implementation plan for specific guidance.
2. The plan will provide a system to estimate the costs and benefits of Upper Columbia salmon recovery actions - including a mechanism for resolving disputes regarding economic impacts – and will identify possible funding sources.
3. The plan will define how implementation is coordinated within and outside of the Upper Columbia region.
4. The plan will define how the results of salmon recovery actions will be measured, in a way that is consistent with the state framework.
5. Recovery actions on private property will be voluntary and incentive-based.
6. The Upper Columbia Salmon Recovery Plan will identify and prioritize recovery strategies and actions that have the highest biological benefit. The Board will strongly consider those strategies and actions that have public support.
7. To the extent allowed by law, the plan will outline mechanisms for compensation of landowners for implementing salmon recovery measures.
8. The plan will encourage federal, state and local agencies to develop programmatic consultations and permitting processes to implement the Upper Columbia Salmon Recovery Plan.

Assurances

1. The plan will identify legal assurance options for implemented actions outlined in the recovery plan.

Disputed Science

1. The Upper Columbia Salmon Recovery Board will develop a mutually acceptable means to consider disputed science in the plan, and will address comments on disputed science that provide a detailed basis for dispute (literature citations, empirical evidence, etc.)

Integration

1. In addition to habitat actions, the plan will include specific management recommendations for hatcheries, hydropower, and harvest that are consistent with and contribute to recovery goals and objectives.
2. So that actions across all the H's are complementary and consistent with achieving recovery goals, the plan will describe and provide for integration into decision-making

processes of out-of-basin entities with the authority to implement recovery actions. The plan will provide for a process to ensure this integration.

Research, Monitoring and Evaluation

1. The plan will identify an accessible and usable database for research, monitoring and evaluation concerning salmon recovery in the Upper Columbia.

Creating a Clear and Concise Plan

1. The plan will provide a concise, clearly written public summary.
2. The plan will be edited to remove repetition and to be more easily understood by the public.

Possible State Legislation and No Net Loss of Private Property Ownership

1. The plan will stipulate that the counties' signing-on to the plan does not represent an invitation to or acquiescence with possible state legislation related to the plan.
2. Any land acquisition proposals in the plan will be based on the concept of no net loss of private property ownership, such as conservation easements, transfer of development rights, and other innovative approaches.

The third forum concluded with a presentation by the Northwest Power and Conservation Council outlining procedures for funding proposals for projects to protect, mitigate and enhance fish and wildlife affected by the development and operation of the Columbia River hydroelectric system.