

# TRIBUTARY COMMITTEE OPERATING PROCEDURES WELLS, ROCKY REACH, AND ROCK ISLAND HABITAT CONSERVATION PLANS

## I. INTRODUCTION

The Tributary Committees (hereafter, Committees) to the Wells, Rocky Reach, and Rock Island Projects' Habitat Conservation Plans (HCPs) are established to implement the Tributary Conservation Plans (Plans) as described in the respective HCPs. The Plans provide a Plan Species Account to fund projects for the protection and restoration of Plan Species<sup>1</sup> habitat within the Columbia River watershed from Chief Joseph Dam tailrace to Rock Island Dam tailrace (called the Upper Columbia Region) and the Okanogan, Methow, Entiat, and Wenatchee River watersheds. These funds are intended to compensate for 2% of the unavoidable mortality to Plan Species at each of the three hydroelectric projects (which was estimated to be 9% at the time of the HCP negotiations).

The Committees are charged with the task of selecting projects and approving project budgets from the Plan Species Accounts, described in Section IX. The Committees will meet concurrently, but voting will be conducted on an individual project basis, i.e., the Wells Tributary Committee will vote on issues to be funded by the Wells Project Plan Species Account, the Rocky Reach Tributary Committee for issues to be funded through the Rocky Reach Plan Species Account, and the Rock Island Tributary Committee will vote on issues funded by the Rock Island Plan Species Account.

These Operating Procedures are intended to provide general guidance to members of the Committees and to help stakeholders understand the functions of the Committees. It does not supersede any aspects of the Anadromous Fish Agreements and Habitat Conservation Plans for Wells, Rocky Reach, or Rock Island Hydroelectric Projects. Readers should refer to those agreements for an understanding of the specific authority and function of these Committees<sup>2</sup>.

## II. GEOGRAPHIC AREA

The Plans do not stipulate the relative allocation of funds to each tributary, yet each does specify a geographic description that funding from each Plan is limited to. Funds from the Wells Plan shall be directed toward the Columbia River and its tributaries from the Chief Joseph Dam tailrace to the Wells Dam tailrace. Rocky Reach and Rock Island funds can be directed within the Columbia River watershed from Chief Joseph Dam tailrace to Rock Island Dam tailrace. The primary focus will be actions in the Okanogan, Methow, Entiat, and Wenatchee watersheds, yet projects in the smaller tributaries to the Columbia River will be considered. All three Plans may include waters of British Columbia that flow into the Okanogan watershed.

## III. MEMBERSHIP

The Committees have one representative of each signatory party to the Plans. Members of each committee will be required to notify the chair (in written form, email, or during the previous

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<sup>1</sup> Plan species include Chinook salmon, sockeye salmon, coho salmon, and steelhead.

<sup>2</sup> Please refer to Section 7 of the individual HCPs for a description of authorities.

meeting) of their inability to attend a proposed meeting, and their alternate voting member, if so chosen. The Rock Island and Rocky Reach Committees have the following voting members:

- Dale Bambrick, National Marine Fisheries Service
- Chris Fisher, Confederated Colville Tribes
- David Morgan, U. S. Fish and Wildlife Service<sup>3</sup>
- Dennis Beich, Washington Department of Fish and Wildlife
- Bob Rose, Yakama Nation
- Keith Truscott, Chelan County Public Utility District
- Tracy Hillman, non-voting chairman.

Voting members of the Wells Tributary Committee are:

- Dale Bambrick, National Marine Fisheries Service
- Chris Fisher, Confederated Colville Tribes
- Tom Kahler, Douglas County Public Utility District
- David Morgan, U. S. Fish and Wildlife Service<sup>3</sup>
- Dennis Beich, Washington Department of Fish and Wildlife
- Bob Rose, Yakama Nation
- Tracy Hillman, non-voting chairman.

The HCP Coordinating Committees formally invited the Confederated Tribes of the Umatilla Indian Nation to the regular meetings of the Tributary Committees, as this non-signatory Tribe has federally-designated status as fisheries co-managers, and is directly affected by the proceedings. For regional coordination purposes, the Coordinating Committees have invited Grant PUD to participate as a non-voting member. Additionally, the Coordinating Committees have invited American Rivers, a party that contributed to the development of the HCP, yet elected not to sign. Participation of these parties benefits the Tributary Committees through increased coordination and sharing of expertise. These non-signatory parties would not participate in voting, however. The power purchasers to the Wells Project may participate as a non-voting observer through a single representative to the Tributary Committees, who shall be designated from time to time.

The Committees may also request the limited participation of stakeholders that are affected by the Committee's deliberations (such as a Watershed Planning Unit or state designated Lead Entity). These parties would have no voting authority and would be invited to attend specific Committee meetings on a limited basis and, at the Committees' discretion. The Tributary Committees will jointly sponsor a public forum with the Coordinating and Hatchery Committees on a periodic basis. These open meetings will allow direct communication with stakeholders and non-signatories.

Last, the Committees may ask technical experts to serve in an advisory capacity. At certain times, the participation of fluvial geomorphologists, hydrologists, engineers, and others with technical expertise may be necessary for knowledgeable deliberations on a specific project. The Committees may solicit the participation of these non-voting experts on an *ad hoc* basis.

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<sup>3</sup> The representatives from U. S. Fish and Wildlife Service participate in a non-voting capacity unless they otherwise state in writing

#### **IV. MEETINGS**

Regular meetings of the Committees are typically from 9:00 am to 3:00 pm on the second Thursday of each month, unless otherwise agreed to by the Committees. As described in Section III, the Committees' meetings are open by invitation to specified stakeholders, based on the unanimous decision by the Committees. Additionally, the Committees may meet whenever requested by any two members following a minimum of ten days advance written notice to all members of the specific Committee.

The Committees' Chairman will distribute the meeting notice and agenda ten days prior to the meeting. The notice and agenda will outline matters to be addressed and voted on during the meeting. For key issues that the Committees must address at a meeting, the chairman will develop briefing papers to allow productive deliberations by the Committees during the meeting.

Within ten days after the meeting, the chairman will distribute draft notes of the meeting to all Committees members (and non-members) who attended the meeting and to Committees members who were unable to attend. After a ten-day review period by Committees members, the chair will distribute the edited meeting notes, based on the comments and corrections provided by Committees members. Final review and approval of products by Committee members will take place during the following meeting and prior to distribution to entities external to the Committees.

#### **V. CHAIRPERSON**

The Committees shall choose a neutral third party to chair the Committees' meetings. The chair is expected to prepare an annual report on the Committees deliberations, prepare periodic progress reports, prepare meeting minutes, facilitate meetings, and assist the Committees in making decisions. At least every three years, the Committees shall evaluate the performance of the chair. The chair shall be the official contact person of the Committees to stakeholders. In the event the Committees chairperson is unable to facilitate a scheduled meeting, the HCP Coordinating Committee chairperson shall function as an alternate.

#### **VI. DECISION-MAKING**

The Committees shall act by unanimous vote of those members (or their proxies) present in person or by phone for the vote. Abstention does not prevent a unanimous vote. If a member or its designated alternative cannot be present for an agenda item to be voted upon, the member must notify the chair, who shall delay a vote on an agenda item for up to five business days on specified issue(s) to be addressed in a meeting, or as otherwise agreed to by the Committees. A member may invoke this right only once per delayed item. All decisions on funding will be held in a closed executive session. The Tributary Committees reserve the right to hold closed sessions on other issues, when necessary.

#### **VII. FULL DISCLOSURE**

After full written disclosure of any potential conflict of interest, which shall appear in the minutes of the Committees and prior to project approval, the Committees may approve a project that may benefit a person or entity related to a specific committee member, or an entity which appointed the committee member. Committee members should recuse themselves from voting on a particular project if they represent an entity that may benefit from that project.

## **VIII. COORDINATION WITH OTHER CONSERVATION PLANS**

At the discretion of the Committees, projects selected by the Committees may be coordinated with other salmon recovery efforts, which may include but not be limited to: Lead Entities, Regional Fisheries Enhancement Groups, the Watershed Planning Units, Upper Columbia Salmon Recovery Board, Washington State Salmon Recovery Funding Board, the Fish and Wildlife Program of the Northwest Power and Conservation Council, and other funding organizations. The Committees may cost-share with other programs when practicable.

## **IX. PLAN SPECIES ACCOUNT**

The Public Utility Districts have established three “Plan Species Accounts” to fund salmonid habitat projects in the Upper Columbia Region. Interest earned on the funds in each Account shall remain in each Account. The Committees shall select projects and approve project budgets from each Account by joint written request of all members of the Committees. The Committees shall act in strict accordance with Section X (Prohibited Uses of Account). At least annually, the Public Utility Districts shall provide a financial report on the account activity of their respective Plan Species Accounts.

The Rocky Reach and Rock Island Plan Species Accounts are to be held in different bank accounts from those of Chelan PUD, yet the District permits the Rocky Reach and Rock Island Tributary Committees to use its tax identification number. However, such use is contingent on the Rocky Reach and Rock Island Tributary Committees meeting the following criteria:

- The Committees must contract with a professional accounting firm to manage the Rocky Reach and Rock Island Plan Species Account, which includes but is not limited to processing of project invoices and ensure tax compliance and reporting;
- Chelan PUD must be allowed to audit those Plan Species Accounts at the District’s discretion;
- The Committees will provide financial reports to the District no less than on a quarterly basis;
- Invoices will be processed per the Committee’s delegation of authority with the Committee’s Chairperson; and
- The Committees shall strictly comply with the requirements of the Habitat Conservation Plans.

## **X. PROHIBITED USES OF ACCOUNT**

No money from the Accounts shall be used to enforce compliance with the Plans. Members of the Committees and their expenses to attend and participate in Committees’ meetings shall not be compensated through the Accounts. Administrative costs, staffing and consultants, reports and brochures, landowner administrative assistance, and public education costs collectively shall not exceed \$80,000 (1998 dollars) for each of the three Plan Species Accounts in any given year without the unanimous vote of the Committees’ members.

## **XI. SELECTION OF PROJECTS AND APPROVAL OF BUDGETS**

The Committees shall select projects and approve budgets for expenditures from the Accounts for the following:

- Salmonid habitat protection or restoration projects within the Upper Columbia Region. Projects shall be chosen based upon the guidelines and eligibility criteria set forth in the Committee's Project Policies and Procedures Manual.
- Feasibility studies, implementation, monitoring, and legal expenses associated with any project financed from the Accounts. A separate Tributary Assessment Fund has been established to evaluate the effectiveness of particular projects, and
- Prior approved administrative expenses associated with the Accounts.