CENWP-ODT-F 12 November 2020

MEMORANDUM FOR THE RECORD

Subject: Draft minutes for the 12 November 2020 FPOM Task Group meeting.

The meeting was held via teleconference. In attendance:

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| --- | --- | --- | --- |
| **Last** | **First** | **Agency** | **Email** |
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| Lorz | Tom | CRITFC | lort@critfc.org |
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| McDowell | Michelle | USFWS | michelle\_mcdowell@fwa.gov |
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1. Final Decisions or recommendations made at this meeting.
	1. There needs to be collaboration between the Corps and the USFWS throughout the NEPA analysis process.
	2. Next steps include: checking on the reporting requirements including Division’s plan, updating Appendix L of the FPP, checking on the 2000ft guidelines, and getting an understanding of the current bird counting methods at each project.
2. Action Items
	1. ACTION: Kovalchuk will send an email to Michele McDowell to get form 37.
	2. ACTION: Thompson will discuss this lethal take proposal with her colleagues before offering NOAA support.
	3. ACTION: McDowell will send a link to the depredation permit requirements for data.
3. Review History – FPOM website - Cordie doesn’t feel that we have a good understanding of avian predation at the dams and doesn’t know if we are achieving our goal of keeping predation rates down. Back in 2018, the task group met a few times but disbanded thinking that we were moving in the right direction but Cordie feels that we are really in the same place. Peery looked at Appendix L of the FPP to see what each dam is doing now. Cordie wants App L up to date and see if there is anything new.
4. Miller Island status - Cordie was pushing to get something done on the Miller Rocks gull problem. From a Corps perspective, Miller Rocks is not in our jurisdiction. The focus for the Corps is more at the dam. Cordie started pushing lethal take. Kovalchuk gave an update on the progress of lethal take for NWP. There has been a change of mind on lethal take from the Office of Counsel and they now agree with the NWW interpretation that allows for lethal take. Kovalchuk had been in contact with the NEPA section and they requested a scope to begin their assessment. After JDA provides trigger numbers then the NEPA folks can start their analysis. Morrill asked for a timeline for the NEPA analysis. It is unknown because we don’t even have a trigger number yet from each project to start the process. Cordie asked about the trigger number and if it should be standardized. McClain said that each project has different locations, counts and trends. When FFU was collecting stomach samples from gulls, they were told from USFWS that all lethal take permits were given out for the area. McClain feels that there are two parts to this process – internal Corps process and USFWS permit. McDowell said that USFWS needs to be looped in when developing the NEPA documents. The NEPA analysis comes with a depredation form permit and helps develop a trigger number. Morrill asked how this would come into play for WA concerns of white pelicans. White pelicans are protected in WA and under the Migratory Bird Act. USFWS has issued permits for the pelicans in the past but would coordinate with the state. Form 37 will help develop a scope. ACTION: Kovalchuk will send an email to Michele McDowell to get form 37. Cordie asked if there is an objection to the lethal take. Thompson needs to check in with her colleague, Lynne Krasnow, if NOAA has any objection to lethal take. ACTION: Thompson will discuss this proposal with her colleagues before offering support. McClain said that the idea behind lethal take is to achieve the metrics for survival. McDowell said under the migratory bird act, the Corps needs to show damage to apply for a depredation permit and then USFWS needs to prove that the authorization of that permit will not hurt the conservation of that species. McClain asked about the operation under the Bi Op. Kovalchuk doesn’t know the process at all.
5. Appendix L updates – (i.e. ~2000’ boundary?) - Cordie said that his project’s App L is out of date. The boundary is listed at 2,000 sq feet around the project but he thinks that it should match the test boundary established for the survival studies for the Bi Op testing. Fielding said that the J-Sat line is 1.3km downstream of the dam. The Corps is responsible for predation within that test boundary line. Lorz said that the boundary was established by the hydraulic influence from the dam. Data collection is based on those lines.
6. Data collection – status reports – annual report. Cordie asked that regional fish managers look at the data and see if there is anything else they would like to see. The bird data is reported in the weekly and annual reports. Reporting requirements in the Bi Op are very vague. Peery would like a more standardized approach. Sullivan said that it is a topic for Tackley as well since he was the point person for the Division Bi Op negotiations. Lorz said that there is a meeting coming up about the avian predation program and the avian synthesis report. The Estuary and inland work was split by Fredricks because of the implementation and funding of the different programs. Lorz feels that the avian deterrent program is disjointed, and the tribes are pushing for some clarity. Peery asked about counting requirements. Not all projects take the data in the same way; some take the data twice a day and some once. Some projects differentiate between foraging v roosting and others don’t. Cordie said that FPOM should provide direction on what they would like to see. Peery thinks that NOAA should weigh in in the Bi Op since this is for improving survival.
7. Problem species/predator population changes. It is hard to determine which methods actually work like the sprinkler to keep pelicans away. McDowell said that birds can get used to any method that is not lethal take. USFWS promotes changing methods and lethal reinforcement can make a difference. ACTION: McDowell will send a link to the depredation permit requirements for data. Thompson will follow up with Krasnow. McDowell asked where Appendix L is located and what the top four species of concern are. For The Dalles, California gulls and cormorants are the main species; the new species is the American White Pelican. In the past, cormorants were not a problem but changing dynamics have shown cormorants to be an increasing problem. Lorz said that RTR was contracted to look at predation of Fall Chinook and pelicans turned out to be a big player. However, the pelican problem is situational and may not be a problem everywhere. McDowell asked for clarification on if Ring Billed or just California gulls are a problem. At, TDA the problem is California but at MCN, there are both species of gulls plus grebes and terns. Timing and place are keys to the pelican predation problem. Peery said that USDA only does lethal take on two species - gulls and cormorants in NWW. He asked if it is due to the permit or considered the most effective species. McDowell said that would be the only species that were included in the permit and have the NEPA documentation for.
8. BiOp targets - Cordie asked is there an expiration date on the Bi Op metrics after the targets were met. The predators base has changed since the targets were established. Cordie has concerns that the Bi Op criteria is not being met. Lorz has asked similar comments but because it is a “No Jeopardy” Bi Op, there is no survival study associated with it. Lorz said that it is assumed that the current deterrent measures will continue like avian lines and hazers.
9. Hazing options – Hazers will be used again this year to shoot pyros. The handheld laser will also be used and has shown some promise at TDA. The laser only works on sitting gulls and under low light conditions. Cordie said that they are out of options. Morrill asked about the sound test. A LRAD test was completed at MCN to see if it would affect the parks or Nav Lock areas. The results were not clear. People were stationed at the park to observe how loud the LRAD was. Griffith received feedback that it wasn’t as loud as expected but she expects them to conduct another test. McDowell asked for a description of the system. The LRAD is a loudspeaker system with ultrasound. Martin Ament, a Corps engineer, set up decibel reading meters all over the park. The test was done by the Corps in conjunction with the company that makes the LRAD system. This is not part of the USDA hazing options. The green laser at MCN is working but the light makes a huge difference. The gulls wouldn’t roost within the green laser area. The laser is expensive, and the bulb has a short lifespan, under a year. The bulb can be replaced. The company that makes the laser cannot supply bulbs because the laser is already outdated. McDowell said that the laser can cause eye damage. Cordie said that the gulls need to see the green dot to be afraid of it.
10. NWP lethal! – trigger – agency endorsement. Cordie is looking for endorsement from other agencies as we move through the process. Bonneville is not interested in having lethal take at their project presently and there is not currently a need. Lorz said that we have adaptive management that we can look at later if we need to. The tailrace area is divided as compared to the JDA or TDA making the avian grid more effective.
11. Who manages migratory bird populations? Cordie would like to know who acts on a species when the population is getting out of control. USFWS authorizes take but the states, tribes and people who have the conflict with the species bring the issue forward. Morrill asked if USFWS is in consultation of the avian concerns in the Bi Op. McDowell participates and is in consultation with Krasnow in drafting the report. NOAA oversees the salmonid ESA species and FWS oversees Fresh water species and migratory birds.

Next steps: Check on reporting requirements including Division’s plan, update App L, check on the 2000ft guidelines, and get an understanding of the current bird counting methods at each project. USFWS will send some forms and there will be coordination between USFWS and Corps on the NEPA analysis for lethal take.

-----Original Message-----

From: Cordie, Robert P CIV (USA) <Robert.P.Cordie@usace.army.mil>

Sent: Wednesday, November 18, 2020 8:39 AM

To: Josie Thompson - NOAA Federal <josie.thompson@noaa.gov>

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Subject: RE: [Non-DoD Source] Re: avian task force

My fellow ATF troopers,

Follow up on couple questions from last ATF meeting;

1. Appendix L ‘up to 2000’ downstream’ valid? – For The Dalles the BiOp testing boundary from 2011-13 was ~5000’ from spillway. Our high bird feeding concentration and non-lethal hazing is ~3000’ from spillway. Clearly needs correction.

2. Laser use and potential damage to birds vision – attached pic shows how we use it. They need to see the green dot on a surface to be effective. There is a sight on the laser to assure accuracy.

Next meeting we’ll follow up on some of the action items identified. And determine new ones.

Thanks

Bob Cordie

