



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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DATE: November 28, 2006
TO: Members Advisory Group
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from 11/21/06 MAG Meeting

Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin.

The Authority is comprised of the following tribes and government agencies:

- Burns Paiute Tribe
- Coeur d'Alene Tribe
- Confederated Salish and Kootenai Tribes of the Flathead Reservation
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation
- Confederated Tribes and Bands of the Yakama Nation
- Idaho Department of Fish and Game
- Kootenai Tribe of Idaho
- Montana Department of Fish, Wildlife and Parks
- National Marine Fisheries Service
- Nez Perce Tribe
- Oregon Department of Fish and Wildlife
- Shoshone-Bannock Tribes of Fort Hall
- Shoshone-Paiute Tribes of Duck Valley
- U.S. Fish & Wildlife Service
- Washington Department of Fish and Wildlife
- Coordinating Agencies**
- Columbia River Inter-Tribal Fish Commission
- Upper Columbia United Tribes

MAG Meeting

Tuesday, November 21, 2006

8:30am-12:00pm

@ CBFWA Office, Portland OR

The support material and reference documents for the 11/21/06 MAG meeting are posted at <http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>

These draft action notes were approved as final at the 12/19/06 MAG Meeting.

Action Notes - Final

Attendees: John Platt, CRITFC; Phil Roger, CRITFC; Bill Towey, CTCR; Lonny Macy, CTWSRO; Michele DeHart, FPC; Gwen Lankford, Sapphire Strategies; Brian Lipscomb, Jann Eckman, Pat Burgess, Trina Gerlack, Tom Iverson, Tana Klum, Kathie Titzler, Neil Ward, Dave Ward, CBFWA

By Phone: Lynn DuCharme, CSKT; Lawrence Schwabe, BPT; Gary James, CTUIR; Carl Scheeler, CTUIR; Peter Hassemer, IDFG; Sue Ireland, KTI; Dave Statler, NPT; Tony Nigro, ODFW; Nathan "Nate" Pamplin, WDFW

Time Allocation:

Objective 1. Committee Participation	100%
Objective 2. Fish & Wildlife Regional Issues	%
Objective 3. Annual Report	%
Objective 4. RM&E	%
Objective 5. Other Business	%

ITEM 1: Introductions and Approval of Agenda

Brian Lipscomb requested that Item #12 CBFWA Public Relations Workgroup Update be moved ahead of Item #3.

- Action:
- Bill Towey moved to accept agenda with the change as requested by Brian Lipscomb.
 - Lonny Macy seconded motion. Motion passed, action approved.

Note: As a result of this change, the agenda items are listed in the order in which they were discussed.

ITEM 2: Review the 10/24/06 MAG Meeting Draft Action Notes and approve as Final

- Action:
- Tony Nigro moved to accept MAG notes from 10/24/06 MAG meeting as final
 - Pete Hassemer seconded motion. Motion passed, action approved.

ITEM 12: CBFWA Public Relations Workgroup Update

Initiated as a result of an action from the Members at the August 2006 meeting, the PR Workgroup met for the first time Monday, 11/20/06. Gwen Lankford shared that the group's initial discussion/actions were:

- To search for a design firm to begin the process of updating the CBFWA website with a prototype rolled out by April 2007.
- Review the content of the CBFWA brochure

- Build a substantial cache of photos

The workgroup is populated by Gwen Lankford, Sapphire Strategies; Tana Klum, CBFWA; Brian Lipscomb, CBFWA; John Platt, CRITFC; Bill Towey, Colville Tribe; Katherine Cheney, Federal Caucus; Amy Gaskill, USFWS; and Amy Langston, CBFWA. Tana is in discussion with Nate Pamplin, WDFW, and Vicky Runnle, IDFG, requesting IDFG and WDFW representation.

ITEM 3: FY 07-09 NPCC Project Recommendations Update

Discussion:

Brian Lipscomb reported that the two remaining issues that came out of the Coeur d'Alene Council meeting concerned the coordination projects (CBFWA, CRITFC, UCUT, Kalispel, and Spokane) and the USFWS sponsored CSS project.

Coordination: The NPCC recommended to BPA to fund the CBFWA project at the MSRT recommended level of 2.071 million for FY 07. CRITFC was funded at the MSRT recommended level and UCUT was funded at the FY 07 requested amount. Kalispel and Spokane were both funded at \$65k each. Funding for the five projects is for one year pending further discussion and resolution of the coordination issue as a whole. The Council wants to monitor the process and expects CBFWA and the other coordination projects to report to the Council on a quarterly basis demonstrating deliverables.

Brian confirmed that the funding dollars include time and travel as budgeted based on usage of the previous year. CBFWA should be able to move forward at the current level barring unforeseen issues promoting a heavier workload.

CSS: The CSS project was funded for one year, tagging included, to allow CSS to write a 10 year report. Additional funding of \$100,000 was allotted to cover the cost of the report, due out in April or May 2007.

Action:

Brian anticipates providing a presentation to the Council at the December Council meeting. Tony Nigro stated that he would like see the presentation go out to the MAG for review before being presented to the Council.

Since the MAG will not meet prior to the next Council meeting, Brian will distribute the presentation to the MAG members via email for a collective review and to solicit comment.

ITEM 4: CBFWA RM&E/Wildlife Mitigation Coordinator Announcement Update

Brian has made an offer to Kenneth MacDonald, one of the candidates recommended by the MAG subcommittee. Ken has accepted the offer of employment and is slated to start with CBFWA in January 2007, although it is anticipated for Ken to begin to engage with CBFWA staff prior to his start date.

Ken is a Fisheries Biologist coming from the U.S. Forest Service at Okanogan-Wenatchee National Forest. He has experience coordinating M&E on forest lands and has wildlife exposure as well.

ITEM 5: Comments on NPCC's FY 2006 Annual Report to Congress and Northwest

Report link: <http://www.nwcouncil.org/library/2006/2006-14.htm>

Dave Ward briefed the MAG advising that the Power Act requires the Council to submit a report of the Council's activities each year to Congress. The Council is soliciting comments on this report. Comments or a summary of the comments must be included as an appendix to the report. Comments are due to the Council by 12/18/06.

Dave provided a handout w/attachments: 1) a draft letter to the Council containing comments specific to the report, comments on the general performance of the Council and the F&W Program, and a list of major Council activities for FY 06 and a summary of corresponding CBFWA Comments. The memo, comments draft, and list presented to the MAG can be viewed in full on the CBFWA site at:

<http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>

Dave opened for discussion the nature of the CBFWA comment and provided the following suggested scenarios: 1) send a letter similar in scope to the draft provided, 2)

send a letter with a similar focus but with a boiled down bulleted list of key points, 3) send a less strongly-worded letter serving mainly as a lead-in to attaching the SOTR report, or 4) decline to comment

Historically, CBFWA, as an organization, has not provided comments on the Council's Report to Congress.

Discussion: Opinions varied on the direction that CBFWA should take on this issue. Thoughts expressed ranged from not responding at all; responding with an introduction to CBFWA/SOTR attachment; responding with a stronger message taking strategic advantage of the current political climate; and concern about submitting comments tied to a congressional report without having time for substantial consensus and legal review prior to submission.

Tony Nigro summarized three topics as potential points to address should CBFWA opt to provide comment: 1) Concerns and frustrations about the marginalization of the current relationship; reiterating the nature of the F&W provisions within the Act, 2) The lack of a regional agreement on goals and objectives, and 3) Question what we are doing to monitor success – i.e. M&E?

With continued discomfort expressed at commenting on the FY 06 report, the discussion shifted toward looking forward to FY07 entertaining alternate vehicles to get the message across.

In conclusion, the MAG agreed to consider putting forth a strategy for collaboration between NPCC & the Fish and Wildlife Managers for FY07 exploring:

1) What should an Annual Report to Congress look like? 2) How can CBFWA and the Fish and Wildlife Managers help to inform the Council's Annual Report to Congress to bring it to a different level that will better reflect accomplishments?

Action:

- Tony Nigro moved for CBFWA staff to draft a letter to the Council for MAG review and Members approval suggesting partnering on the FY 07 Annual Report to Congress.
- Bill Towey seconded motion. Motion passed, action approved.

ITEM 6: Program Amendment Process

Tom Iverson provided information documenting timelines for the NPCC Program Amendment process, the 2010 BPA Rate Case, and the 2007 CBFWA Work Plan.

Tom encouraged the Fish and Wildlife Managers to take advantage of the opportunities to engage and influence these processes. Tom described a strategy for developing a comprehensive fish and wildlife management plan that could serve as the foundation for the next Program amendment process, identifying biological objectives, limiting factors and strategies and actions for each focal population. The document "Timeline for Program Amendment and other processes in CRB" is posted for review to the CBFWA website at <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

CBFWA staff will develop a proposed work plan for consideration at the next MAG meeting.

ITEM 7: 11/6/06 Hatchery Reform Workshop Report

At the MAG meeting on 9/19/06, Jim Waldo gave a presentation on the Hatchery Reform Project requesting CRB F&W Managers' participation and requesting funding support. The 11/6/06 Hatchery Reform Workshop was a result of the MAG's direction to the AFAC to review the specific tasks and costs associated to participate in this process and report back to the MAG.

Dave Ward and Phil Roger advised that the workshop attendance was somewhat disappointing. Content was more of a technical nature leaving many of the questions which prompted the workshop unanswered.

Dave advised that on 11/3/06, a hatchery reform workshop took place specifically for ODFW but he is not aware of the end result of that workshop.

Dave advised that he hopes to get to the bottom of what costs are involved and what mechanisms are in place to obtain the money. He intends to have another discussion with Jim Waldo and will report back to the MAG.

Note: Lynn DuCharme had to leave the meeting. In the absence of the vice-chair, Lynn appointed Brian Lipscomb to serve as acting Chair in her absence.

ITEM 8: StreamNet Steering Committee/Data Management Work Plan Update

Tom Iverson briefed the MAG on the current status of the StreamNet work plan. Tom stated that the workshop was successful at developing the basis for recommending priorities to the Council for the data and data support services provided by StreamNet and the NHI; however, specific data priorities were not established. Obtaining tribal data will require additional funding. The FY 2007-2009 StreamNet project proposal included funding for some tribal involvement, but the Council reduced the budget. The current funding recommendation may not be adequate to support inclusion of tribal data.

The StreamNet steering committee met and developed a revised statement of work for FY 2007-2009. Tom advised that StreamNet will present the new SOW to the Council in December in order to push forward for 07-09 funding. CBFWA members should urge Council to fund the StreamNet project at the MSRT recommended funding level at a minimum.

The data management workshop summary can be reviewed at http://www.cbfwa.org/conferences/FY06Data/documents/2006_1107FinalWorkshopSummary.pdf.

ITEM 9: Status of the Resource Report Update <http://www.cbfwa.org/sotr/>

Neil Ward advised that CBFWA staff is finalizing the SOTR. Neil stated that despite multiple requests there are still gaps in the information and solicited support and assistance from the MAG Members in obtaining the information to wrap up the report.

Neil advised that the report provides appropriate footnotes referencing the source of the data to protect CBFWA from the responsibility of flawed data.

CBFWA will present the report to the Council in December. Brian Lipscomb advised that a distribution cost discussion needs to take place. Additional funding will be required from BPA to cover the distribution costs. The report costs about \$100/per copy to produce.

Neil advised that the SOTR website will be up and running by the start of February and will allow for visitors to print by subbasin, etc, which should eliminate some of the need for widespread printing and distribution.

ITEM 10: CSMEP Update

CSMEP is requesting an opportunity to present an update to the NPCC in January. The Final FY06 CSMEP Annual Report is linked on the CSMEP website at: <http://www.cbfwa.org/csmep/web/documents/general/Project/CSMEPFY06AnnualReportFinal.pdf>

As previously communicated, CSMEP has received funding for only two more years, as opposed to the 3 years requested. Tom Iverson advised that CSMEP would like to go before the Council in January with a presentation to help describe their role in a regional data management framework.

The MAG suggested February instead for the presentation allowing more time to refine content. Tony Nigro and Pete Hassemer volunteered to work with staff to prepare the presentation.

ITEM 11: CBFWA Technical Committee Structure Review and Update

In the Summer meeting, the Members directed the MAG to begin reviewing the WAC, RFAC, and AFAC structure; evaluate the roles of each committee; and determine if the present structure serves the future needs of CBFWA. An open discussion was held within the meeting on this topic.

Current status: Each committee Chair is currently required to report via the Members' meeting agenda. RFAC, AFAC, and WAC are advisory committees in nature; meetings

are currently held as needed or as required based on issues at hand; and agendas are formulated with directions from the MAG.

Staff or Members identify an issue that cross-cuts. Chairs/Vice Chairs are asked to convene a meeting and discuss how to engage committees to address issue. Questions arising from this discussion: Who identifies issue as cross cut? Who coordinates? Where does the product get developed? Who's responsible? How does oversight occur?

Within the meeting, Brian Lipscomb and Jann Eckman confirmed that the MAG will need to pursue the committees' structure review and include it as an Administrative Decision to the Charter, rather than using ad-hoc protocol.

ITEM 13: Fish Passage Center/CBFWA Board of Director Update

Discussion:

Jann Eckman provided a document originating from 12/16/96 outlining the "Roles and Responsibilities" of the FPC Board of Directors and listing the Board of Directors at that point in time. The document is posted for review at: <http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

In addition to the documentation, Jann provided the following verbal summary:

- At the 10/9/96 Council meeting, BPA and the Council proposed the separation of the data acquisition and data management functions from the data analysis functions of the FPC.
- On 12/16/96, the FPC Board met for the first time and the draft roles and responsibilities were finalized. According to documentation, it appears that the Board continued to meet on a regular basis.
- The Council's 2000 F&W Program called for continued operation of the FPC and documentation states that Council planned to establish/appoint a FPC oversight board with representation from NMFS, the tribes, the Council and others, to provide policy guidance and assure regional accountability and compatibility with the regional data management system.
- In early 2001, the FPC Board proposed the addition of an analyst position to the FPC staff to allow for fish passage data analysis (SMP and CSS) to the salmon managers. According to documentation, CRITFC and NMFS objected to the addition of a position and the NPCC indicated that they did not support any growth in FPC.
- In a memo from B. Suzumoto and D. Marker dated 2/27/02, the Council staff recommendation for initial responsibilities called for "replacing and assuming" the duties of the current FPC Board of Directors. The Council requested the participation of CBFWA members.
- In early 2002, the Council established the FPC Oversight Board and requested that CBFWA appoint three members to sit on the board; however, Jann stated that CBFWA did not officially nominate members to sit on the Council's FPC Oversight Board.
- CBFWA Members who did result in sitting on the Board were Keith Underwood, Spokane Tribe, Up-river Tribal and Tony Nigro, ODFW, Non-tribal. The Council was to consider a nomination from CRITFC when received and was also to consider a written request for an additional seat for Snake River Tribes. There is no indication in the documentation that those seats were ever filled.
- It appears that the Council FPC Oversight Board met until July 2004. There is no indication that the Council's FPC Oversight Board has met since that date.

Conclusion:

The CBFWA FPC Board structure is still in place as originally established in December 1996. CBFWA Members have never taken formal action to disband or to change the structure.

- Brian Lipscomb stated that this issue is pending the Ninth Circuit Court ruling anticipated in November 2006 but that this information provides good background for the MAG and Members.

Tony Nigro suggested that Jann put together an extensive briefing packet detailing how

the Board was established and how things were done. Dave Statler suggested posting the information on the CBFWA website.

ITEM 14: Next Meeting

The next MAG Meeting is scheduled for December 19th from 9:00am-12:00pm at the CBFWA office in Portland.

FYI: The next NPCC meeting is scheduled for December 12-14 in Portland OR.

ITEM 15: CBFWA Office Pending Changes *(Brian Lipscomb added this item at the end of the meeting.)*

Brian Lipscomb advised that the building that houses the CBFWA offices was sold within the last year. The new management firm is renovating the space with the intent of attracting upscale retail clientele. They wish to utilize the 2nd floor space for retail clients and have approached CBFWA about moving to the 3rd floor of the building advising that they would pay for all costs associated with the move. Brian advised that CBFWA has begun process of analyzing needs and options keeping in mind the possibility that the FPC may come together with CBFWA under one roof.