



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Final

DATE: January 8, 2009
TO: Members Advisory Group (MAG)
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the December 16-17, 2008 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 fish and wildlife 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 Fish, Wildlife & 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

Compact of the Upper Snake River Tribes

MAG Face-to-Face Meeting Boise, Idaho

Day One: December 16, 2008
12:00 p.m. - 5:00 p.m. MST

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Day Two: December 17, 2008
8:00 am - 12:00 p.m. MST

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Hilton Garden Inn-Boise Spectrum
7699 W. Spectrum St.
Boise, ID 83709
208-376-1000

Support material posted at

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

Final Action Notes

Note: Some agenda items were reviewed out of order and the notes reflect the order the items were discussed.

Day One – Tuesday, December 16, 2008

Attendees: Brian Marotz, MFWP; Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Elmer Ward and Brad Houslet, CTWS; Alan Byrne and Lance Hebdon, IDFG; Tom Rien, ODFW; Doug Taki, SBT; Carol Perugini, SPT; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; CBFWA Staff: Brian Lipscomb, Jann Eckman, Kathie Titzler, Tom Iverson, Ken MacDonald, Dave Ward, Neil Ward, and Trina Gerlack

By Phone: Elizabeth Gaar, NOAA Fisheries; Jim Geiselman, BPA; Michele DeHart, FPC

Time Allocation:

| | |
|--------------------------------------|------|
| Objective 1. Committee Participation | 100% |
| Objective 2. Technical Review | % |
| Objective 3. Presentation | % |

ITEM 1: Introductions and Approve Agenda

Action: The MAG approved the agenda, with additions under Item 4: FY09 Project decisions relative to the development of Long-term Work Plans/Multi-year Work Plans to include C) CBFWA Work Plan; and a call in from Jim Geiselman, NOAA, to discuss the development of M&E within the BiOp for FY09 and beyond and NOAA's working expectations with CBFWA. No objections.

ITEM 2: November 13, 2008 MAG Draft Action Notes

Action: The MAG approved the November 13, 2008 action notes as final. No objections.
http://www.cbfwa.org/Committees/MAG/meetings/2008_1216/MAGActionNotes2008_1113Final.pdf

ITEM 3: CBFWA Amendment Recommendations and Comments Update and follow-up from Consultation Meeting between CBFWA Agencies and Tribes and Northwest Power and Conservation Council (NPCC)

Update: Brian Lipscomb provided an update of meeting discussions and status of the CBFWA agencies and Tribe's comments submitted to the NPCC on December 1, 2008. Brian, Elmer Ward, Joe Mentor, Bill Booth, Tony Grover, John Shurts and NPCC central staff met to discuss ideas for the NPCC to consider addressing the comments. There seems to be agreement in a process to develop updated subbasin management plans complemented by multi-year action plans with a parallel mainstem/systemwide management plan and multi-year action plan that includes monitoring and evaluation into one package. The group does not agree on the process timeframe and wildlife issues.

There is support to link the efforts of the Status of the Resource, multi-year work plans, and subbasin management plans. The solicitation process has improved since 2005 because of collaboration to develop a more defined and more justified final F&W Program.

The MAG discussed the process for completion of the Program. The NPCC will be closing the administrative record for approval at their Feb. 2009 meeting without any findings anticipated to be identified until April 2009. Pursuant to the Northwest Power Act fish and wildlife agencies and Tribes are afforded a 90-day opportunity to appeal the NPCC's actions to the 9th Circuit Court of Appeals for the record.

Joe Mentor will be available at the January 21-22, 2009 Members meeting to provide an update and outline of options if CBFWA agencies and Tribes' recommendations and concerns are not addressed in the Fish and Wildlife Program. Joe Mentor and Brian Lipscomb prepared clarification language for specific sections of the NPCC's draft Program that could be inserted into the Program to address CBFWA agencies and Tribes' concerns. The MAG reviewed a redline mark-up draft and provided comments to CBFWA staff for approval the morning of December 17, 2008.

ITEM 4: FY 2009 Project Decisions Relative to the Development of Long-term Work Plans (LTWP)/Multi-year Work Plans (MYWP)

The Smolt Monitoring Program and the CBFWA Workplan are two of many mainstem/systemwide projects with insufficient funding for FY2009. The development of LTWPs could address these deficiencies for FY2010; however, the planning processes will not occur in time to inform FY2009. The Members of CBFWA will need to engage as necessary to ensure adequate FY2009 funding for these projects.

A) FY09 Start of Year Budget

- Smolt Monitoring Program
 - Proceeding through BOG
- CBFWA (and UCUT)
 - Currently no budget assigned
 - Contract year starts April 1

- Need work plans
- HEP
 - Proceeding through BOG
- CSMEP
 - No current contract
 - Functions will be necessary for developing Basinwide M&E Plan
- Others
 - PSMFC projects (StreamNet, PTAGIS, etc.)

The Members should initiate meetings with Bonneville Power Administration (BPA) and the NPCC to begin development of a [Draft Basinwide Multi-year Workplan](#) for FY2010 and beyond. The NPCC's project review schedule identifies monitoring and evaluation for the next categorical review. Many other programmatic projects, with multiple project sponsors, need certainty.

Discussion: The CBFWA staff provided an update and outlined the funding issues for the FY 2009 budgets for HEP, CSMEP, CBFWA, FPC, and other projects. Developing an M&E workplan could bring CSMEP tasks back into the Program. CBFWA is a decision making forum and the M&E decisions could be influenced by the agencies and Tribes. Paul Ashley is preparing a HEP white paper and long-term workplan for review by the WAC on January 6, 2009. The MAG is concerned there is no process to fix the FY 2009 budget problems. Next month it is important that CBFWA begin working on their contract which is up for renewal April 1, 2009. A mainstem basinwide management plan needs to be developed to fix the problems for 2010 projects..

Action: The MAG directed staff to develop recommended budgets and strategies for various projects within the mainstem systemwide portion of the FY09 Start of Year budget. No objections.

Item 4-Cont'd: B) FY2010 and beyond Basinwide Management Plan (LTWP)

- Monitoring and Evaluation
 - Next categorical review by NPCC
 - CSMEP tasks needed to support this effort
 - CBFWA could help facilitate
- Coordination
 - Need work plans for FY2010
 - BPA budget cap
- Other categories
 - Basin-wide Research
 - Artificial Production
 - Wildlife
 - Predator Control
 - Sturgeon
 - Lamprey

Discussion: Brian Lipscomb introduced Jim Geiselman, BPA, and asked for his perspective for developing M&E within the BiOp as the agencies and Tribes start to develop their work plan for FY 2009 and beyond. Jim stated that under the BiOp process a RM&E strategy was developed with a series of required RPAs. BPA is moving toward the implementation process for the FY09 start of year (SOY) budget that includes placeholders in areas that need to be refined for strategy elements and RPA requirements under the BiOp. The RM&E performance reporting and RPA requirements need to be confirmed with NOAA. Recently BPA has invited NOAA and NPCC staff to participate with the action agencies in a workgroup process to confirm the RM&E and RPA requirements and insure RPAs are implemented

successfully to answer key management questions and inform adaptive management and demonstrate BPA's accountability. The BiOp work needs to be integrated with the Fish and Wildlife Program and fish accords.

BPA is working on a RPA work plan to develop a process for project specific reviews to assess the gaps to be developed through the BiOp. Potentially, BPA is developing recommendations for changes to existing projects in order to meet the gaps or BPA is working with NPCC on targeted project solicitations. BPA plans to finish this effort in Spring 2009 to inform FY2010 and support the 3-year review and implementation process.

BPA is working with several forums on BiOp implementation in various areas. Mark Bagdovitz requested the make-up of those committees. Jim offered to provide a list of those work groups and their participants to the MAG. He suggested that the agencies and Tribes participate in the Northwest Environmental Information Sharing Executive Summit (NWEIS) and Pacific NW Aquatic Monitoring Partnership (PNAMP) forums to help develop standard approaches for monitoring across the region to influence strategic direction under the BiOp to affect project implementation. BPA is in the process of project reviews to identify RM&E redundancies in FWS BiOp and FCRPS.

Brian Lipscomb stated that in the past, M&E coordination efforts were provided by CSMEP and asked if there are funds available in the SOY 2009 budget for the agencies and Tribes to use to assist in developing the RM&E strategies. Jim advised that over the next two months, discussions regarding placeholders and fish accords would occur that would provide more direction. Jim stated he is available to attend other MAG meetings and provide updates, if invited. Brian Marotz urged the agencies and Tribes to engage in the process and provide recommendations and solutions associated with RM&E decisions.

Brad Houslet outlined the work and time involved to complete these efforts, which would be a dual process of ideas for RM&E. Mark Bagdovitz explained the information needs of the fish and wildlife managers are related to management decisions. The information that BPA reports is legally binding, i.e. BiOp. Mark suggested that the MAG discuss who and how to best help implement the BiOp.

Brian Lipscomb suggested that managers identify deliverables to meet the BiOp, Fish and Wildlife Program, and individual authorities, and provide comments to the appropriate agencies. Develop a collaborative process that includes existing work, i.e. CSMEP, amendment language, white papers, work plans, to help implement the BiOp and optimize spending on RME. The Jan-Feb 2009 timeframes link up for measuring the RM&E and the development of basinwide management plan and multi-year action plan to implement that management plan and be reviewed in the M&E categorical review. It is important to have the appropriate people participating in the process.

Item 4-Cont'd: C) Draft CBFWA Work Plan

Discussion:

Tom Iverson provided a presentation of the draft CBFWA work plan, tasks, and deliverables to the MAG for Members consideration and approval for submission to the NPCC and BPA by January 31st for funding level and ability to initiate contracting for FY 2009. The CBFWA contract expires March 31, 2009. The draft funding tables need to be confirmed by the Members.

Tom gave an overview of last year's decision process. NPCC completed a review of all coordination projects and their defined tasks and deliverables. The Members supported the service model with the most cost effective alternative to adjust CBFWA staffs' responsibilities to be more effective, and travel throughout the

region to agencies and Tribes locations and keep the infrastructure in one location. Annual reports are posted on the BPA website. Tom stated that it would be important to have discussions with BPA regarding their targeted funding for 2009. Tom requested that the cost share budget be validated by the MAG and Members.

Brian asked if the MAG wants to build a needs base budget for CBFWA to approve the work plan deliverables that define that budget. After a long discussion the MAG supported building a needs base budget for CBFWA's work plan. Some Members' needs may change and a needs base budget is best to accommodate those changes.

- Action:** The MAG directed staff to work up a needs base budget and look at different percentages and changes over time for Members discussion in January.
- Staff will send the Members' participation table to the MAG and Members for validation to accurately gauge the cost for the needs base budget. No objections.
- Discussion:** Brian Lipscomb confirmed that the work elements discussed today are the work elements that the MAG is directing staff to develop a staff budget to deliver the work elements and work with the individual Members to ascertain the amount of money they require to participate in the development of those work elements.
- Staff will distribute an Excel workbook that includes the line item budget, Member allocation, and participation table for each Member to review and validate for discussion and approval at the Winter Members meeting. Members need to confirm their individual work elements and budget with Tom Iverson by January 14, 2009.
- Note: On December 17, 2008, the draft Excel workbook was distributed by email to the Members for review and validation.
- Discussion:** Brian Lipscomb requested that the MAG discuss coordination of M&E as a separate piece. Potentially, what are the deliverables, how are the Members going to validate and confirm those for the rest of the region, and build a participation budget for those deliverables?
- The MAG discussed the value of CSMEP efforts and protocols for resident fish and wildlife loss assessments. MAG supports developing a work plan for RM&E coordination and a common methodology for loss assessments before the final Program is distributed, which will also help develop the CBFWA work plan. Individuals from the previous CSMEP steering committee will contact staff to provide information on RM&E deliverables to support Members conversations with BPA.
- Michele DeHart stated that the FPC's contract and SOY budget for 2009 is settled and in place as of December 1, 2008. The FPC is in the process of developing some projections through 2012. FPC will be rolled up into the mainstem and RM&E.
- Action:** MAG directed staff to develop a work plan for coordinating the M&E and participating in recommendations for implementing coordinated M&E. Also, develop common methodology for loss assessments. No objections.
- ITEM 6: Fish Screening Oversight Committee (FSOC) Actions**
- Dave Ward provided an overview of the FSOC drafts and recommended actions below.
- [Draft FSOC charter](#) – the FSOC is committed to becoming revitalized, and

development of a charter is a step in this process.

The draft FSOC Charter was formatted similar to the other CBFWA committee charters. At this time, there is little physical impact to the coordinating budget. The committee is looking for Montana state representative to participate on FSOC.

Action:

The MAG will review the draft FSOC charter and provide edits to Dave Ward by COB Jan. 9 for Members consideration at the Jan. 21-22, 2009 Winter Meeting. No objections.

[Draft Mitchell Act funding memo for fish screens and fishways](#) – it is possible that Mitchell Act funding for fish screens may be eliminated in 2010. The FSOC has prepared a briefing memo summarizing the effects if this happens.

The draft Mitchell Act funding memo was developed by FSOC to bring to the attention of the MAG and Members for their review and comment. The FSOC is concerned that Mitchell Act funding for fish screens and fishways is being redirected to hatchery reform or eliminated from the 2010 budget. Historically the Mitchell Act has provided most of the funding for fish screening in the Columbia River Basin. Since 1993, funding has decreased and NOAA has indicated to the states that there are no funds identified for the program in the 2010 budget. The FSOC supports all discussions with NOAA Fisheries regarding this issue. The MAG reviewed the memo and discussed the President's budget process. The MAG suggested that the Mitchell Act funding memo be included in the briefing to the new administration. The MAG will continue discussions, developing needs, and will use the valuable information in the memo appropriately.

[Draft Fisheries Restoration and Irrigation Mitigation Act \(FRIMA\) reauthorization memo](#) – the FSOC has drafted a letter indicating CBFWA's support of FRIMA reauthorization.

The FSOC drafted the letter for MAG and Members consideration in support of reauthorizing FRIMA in allowing water users in the Columbia River Basin to continue to implement fish screening and passage projects for the benefit of fish and agriculture.

The region-wide support of this program is apparent by the co-sponsorship of this legislation by all eight Senators from the Pacific Northwest. The federal agencies cannot comment on pending legislation until the administration has formed a Statement of Administration Position (SAP). Mark Bagdovitz requested that abstention language be added to the memo.

Action:

The MAG will review the draft letter in support of FRIMA reauthorization for Members consideration and send comments to Dave Ward by COB Jan. 9 for approval at the Winter Members Meeting. The USFWS and NOAA Fisheries abstained. No objections.

5:00 p.m.

Day One Adjourned.

Day Two – Wednesday, December 17, 2008

Attendees: Brian Marotz, MFWP; Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Elmer Ward and Brad Houslet, CTWS; Alan Byrne and Lance Hebdon, IDFG; Tom Rien, ODFW; Doug Taki, SBT; Carol Perugini, SPT; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; CBFWA Staff: Brian Lipscomb, Jann Eckman, Tom Iverson, Ken MacDonald, Dave Ward, Neil Ward, and Trina Gerlack

By Phone: Elizabeth Gaar, NOAA Fisheries; Dave Statler, NPT

Time Allocation:

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|--------------------------------------|------|
| Objective 1. Committee Participation | 100% |
| Objective 2. Technical Review | % |
| Objective 3. Presentation | % |

Day One Recap *Item 3: CBFWA Amendment Recommendations and Comments Update and Follow-up from Consultation Meeting between CBFWA agencies and Tribes and NPCC*

- Further Clarification of CBFWA agencies' and Tribes' Recommendations and Comments on the Draft Fish & Wildlife Program

The MAG approved sending the cover memo and attachment to Chairman Bill Booth and Fish & Wildlife Director Tony Grover, NPCC, signed by Executive Director Brian Lipscomb regarding further clarification of CBFWA agencies' and Tribes' recommendations and comments on the draft Fish and Wildlife Program.

Note: The final memo and attachment was sent on December, 17, 2008.

[http://www.cbfwa.org/Committees/MAG/meetings/2008_1216/From_BLipscomb\(CBFWA\)_ToMessrsBooth&Grover_ClarificationMemo&Attachment.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_1216/From_BLipscomb(CBFWA)_ToMessrsBooth&Grover_ClarificationMemo&Attachment.pdf)

ITEM 5: Status of the Resource (SOTR) Hard Copy Template Review and Recommendation to Members

Neil Ward provided a page-by-page review of the draft SOTR template.

http://www.cbfwa.org/Committees/MAG/meetings/2008_1216/2008DraftSOTRtemplateMAG-15Dec2008.pdf

Neil stated that the SOTR is a summary of what is posted on the CBFWA website at <http://www.cbfwa.org/sotr/default.cfm>. The next edition of the SOTR is much larger than the first edition and CBFWA staff intend to print less copies than in the past due to funding issues.

The MAG provided formatting suggestions to the tables and comments surrounding HLI's, Wildlife, and Watershed pages. They directed staff to incorporate their edits and prepare a presentation for Members approval on Jan. 7, 2009 to be presented to the NPCC on Jan. 15-17, 2009. At the Winter Members Meeting on Jan. 21-22, 2009, the Members will be asked to approve the next edition of the SOTR draft as final.

Action: The MAG directed staff to incorporate their edits and prepare a SOTR draft presentation for Members consideration at the Jan. 7 Members Teleconference for approval to present at the NPCC Jan. 15-17 meeting. No objections.

ITEM 6: Fish Screening Oversight Committee (FSOC) Actions

Note: This item was reviewed on day one.

ITEM 8: Response of CBFWA to Welch, et al paper on *Survival of Migrating Salmon Smolts in Large Rivers With and Without Dams*

Background: On November 13, 2008 Michele DeHart, FPC, provided a verbal analysis of the paper to the MAG. Following the meeting, Michele sent a memo to MAG members with detailed conclusions based on their review of the report and underlying data (see <http://www.fpc.org/documents/memos/186-08.pdf>). The MAG was not in agreement with CBFWA responding on this paper and suggested instead that in the event that conflict arises, CBFWA could respond to the validity of the arguments presented on the FPC website provided in response to the FPC data requests. If the situation changes, or there are potential policy/management decisions based on the information in the Welch et al paper, then CBFWA may need to give this more consideration.

Update: Brian Lipscomb provided an update on the Welch paper by a Canadian sponsored study on acoustic tagging that made headlines which claimed that the Welch paper is not accurate. Brian requested that Fish Passage Advisory Committee (FPAC) and Fish Passage Center (FPC) review the study and provide feedback on the pros and cons, and provide specific questions and answers. This information is available as a resource, if needed for future recommendations.

The NMFS's Northwest Science Center is in the process of developing a research paper on Pit Tag burden. A copy of the paper will be forwarded to staff when available.

ITEM 7: NOAA Data Dictionary and Monitoring Guidance Follow-up

Background: At the October 21st meeting, the MAG assigned the AFAC to work with non-AFAC members to review the draft data dictionary and monitoring guidance documents. The group agreed to report their findings to the MAG.

Update: The Anadromous Fish Advisory Committee (AFAC) is working with non-AFAC members to review the draft data dictionary and monitoring guidance documents. The point of the review is not to provide official CBFWA comments to NOAA, but rather to work with NOAA to improve the products as much as possible. The states are submitting specific comments individually. NOAA Fisheries extended the comment deadline and expecting comments until at least the end of December.

At the 12/3/08 Members Teleconference, Dave Ward provided a brief update on the status of the review and current themes identified in the memo at http://www.cbfwa.org/Committees/Members/meetings/2008_1203/DataDictionaryReview_MbrsBrief_3Dec2008Ver2.pdf

An action on the NOAA data dictionary and monitoring guideline documents will be recommended at the January Winter Members Meeting.

ITEM 9: Briefing for the New Administration

Background: With the change in administration, the Members have directed the MAG to develop a consensus briefing paper for the new administration.

Discussion: The MAG discussed the purpose and audience for the briefing paper. They agreed that a briefing paper of the fish and wildlife issues in the Columbia River Basin would help inform the new appointees in the region and bring

credibility to the fish and wildlife managers' efforts, which could increase funding and positive results in the basin.

Action: The MAG directed staff to prepare a one page set of bullets for a target audience for MAG's review and comment via email.

ITEM 10: January 2009 MAG Meeting & Members Winter Meeting Preparation

The January MAG meeting is currently scheduled to meet on Tuesday, Jan. 20th the day before the Members winter meeting January 21-22, 2009 in Boise, ID.

Discussion: The MAG agreed that changing the date of the next MAG teleconference is necessary to allow enough time to address any issues or complete any assignments in preparation for the Winter Member's Meeting.

Action: The MAG approved rescheduling the next MAG Teleconference for Thursday, January 15, 2009 from 9:00 a.m. – 12:00 p.m.

Brian Marotz, MFWP will be passing the gavel to the new MAG Chairman Brad Houslet, CTWS and Vice-Chair Elizabeth Gaar, NOAA-F.

No objections.

FYI: Upcoming Meetings

Members January Teleconference: Wednesday, January 7, 2008 (WebEx)

MAG January Teleconference: Thursday, January 15, 2009 (WebEx)

Members Winter 2009 Meeting: January 21-22, 2009, Boise, ID

NPCC January Meeting: January 13-15, 2008, Missoula, MT

12:00 p.m.

Day Two Adjourned.