



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Final

DATE: May 18, 2009  
TO: Members Advisory Group  
FROM: Brian Lipscomb, CBFWA  
SUBJECT: Final Action Notes for the April 21, 2009 MAG Teleconference

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 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
  - Compact of the Upper Snake River Tribes

**Members Advisory Group (MAG)**  
**Tuesday, April 21, 2009**  
**9:00 a.m. – 3:05 p.m. PDT**  
**@ CBFWA Office Portland, OR**  
[MAG Webpage](#)

## Final Action Notes

**Attendees:** Brad Houslet, Elmer Ward, CTWS; Brian Lipscomb, Jann Eckman, Kathie Titzler, Tom Iverson, Dave Ward, Neil Ward, Ken MacDonald, Patricia Burgess, CBFWA

**Phone/WebEx:** Lynn DuCharme, CSKT; Alan Byrne, Lance Hebdon, IDFG; Dave Statler, NPT; Tom Rien, ODFW; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; Bill Tweit, WDFW

<b>Time Allocation:</b>	Objective 1: Participation	100%
	Objective 2: Technical Review	%
	Objective 3: Presentation	%

### **ITEM 1: Introductions and Approve Agenda**

**Action:** The MAG approved the agenda as presented. No objections.

**Note:** *The items are listed in the order discussed. Within the meeting Item 11 was moved to follow Item 5.*

### **ITEM 2: March 17, 2009 MAG Draft Action Notes**

**Action:** The MAG approved the March 17, 2009 draft action notes as final. No objections.

### **ITEM 3: Implementation of the Anadromous Fish Monitoring Design**

Brian Lipscomb advised that he and Members' Chairman Elmer Ward, met with the Northwest Power and Conservation Council (Council) Chairman Bill Booth, and Fish and Wildlife Committee Chair, Rhonda Whiting, on April 13<sup>th</sup> regarding CBFWA funding. In follow-up to that discussion, Chairman Booth requested a memo from Brian summarizing the coordination funding actions and decisions relative to CBFWA's funding budget for FY 2009. CBFWA staff prepared a briefing memo which is on the agenda for review and discussion later in the meeting (under Item #11).

Brian advised that he received positive feedback on the specific request contained within the [Nez Perce Tribe \(NPT\) correspondence of 3/26/09](#) to allow the agencies and Tribes to participate in the development of RM&E framework to be implemented under the Program and the BiOp. Currently, the Action Agencies have formulated five committees and are proceeding to work on the assessment of current M&E, the design of an M&E strategy for the BiOp, and strategies to fill any gaps that would exist, and development of RFPs to solicit for that work. The Council is on the same track from a programmatic standpoint. CBFWA staff continues to articulate that the agencies and Tribes must be integral pieces to the process.

In the coordination meeting last week with Greg Delwiche and Bill Maslen, Bonneville Power Administration (BPA), and Council Fish and Wildlife Division Director, Tony Grover, it was agreed that it was a reasonable request for the agencies and Tribes to participate sooner rather than later in RM&E framework development. To move forward, the idea of a workshop to accommodate the agencies and Tribes' participation is being

discussed. The workshop would encompass verification of assessment, development of a vision, and development of a strategy to implement the vision for RM&E framework in four areas: VSP parameters, habitat effectiveness, hatchery effectiveness, and hydro effectiveness. The workshop will be designed over the next six weeks with (late) June as the intended target date. The RM&E workplan, less the data management portion, would be integrated for developing and delivering the products.

Brian advised that BPA and the Council have requested that since NOAA Fisheries is playing an integral role in approving the BiOp M&E that they should also be engaged in the development of the workshop. Brian will meet with Barry Thom later this week to determine NOAA's participation.

Brian communicated that at the April 15<sup>th</sup> meeting, the Members approved the RM&E workplan, with the deliverable dates to be determined, and gave Brian direction to pull together a workshop outline and parameters for Members final review and approval by the June 3<sup>rd</sup> teleconference.

Brian referenced scheduling a meeting with the RM&E ad-hoc subcommittee to capture points for the workshop outline.

Brian reviewed a [string of emails highlighting the initial development of the monitoring workshop](#), prompting discussion by the MAG. Highlights of that discussion was summarized by Brian as follows:

- There does not appear to be any opposition to a neutral party facilitating the workshop. It is assumed that BPA will fund the facilitator's fee(s). The facilitator will need to be selected soon so as to have full participation in the design and planning of the workshop.
- There needs to be an assurance of the inclusion of Lamprey and consideration toward the inclusion of Sturgeon.
- Relative to the role of who will coordinate the agencies and Tribes participation, Brian will continue to work to rectify the issues with regard to the roles of PNAMP and CBFWA.
- Brian will advocate that the workshop portfolio include an agreed upon strategy for VSP parameters, effectiveness monitoring for habitat, hatchery, and hydro, which also should include estuary/ocean commitments. The budget should correctly reflect the current suite of monitoring and evaluation for anadromous fish identified by the Council minus 10% for restructuring flexibility, 18M identified by BPA to fund BiOp M&E, the Accord commitments (making sure that they stay in the appropriate geographic area and with the appropriate entity), the Anadromous Fish Evaluation Program (AFEP) funding, plus any other funding that is identified through the assessment..
- The workshop will be by invitation only. The agencies and Tribes will be invitees and will need to identify delegates from each of their entities for participation.

Brian advised that he will provide a review for the Members on May 6<sup>th</sup>, and a more detailed comprehensive review for the MAG at the May meeting with a recommendation for Members' commitment and approval at the June teleconference. CBFWA staff intends to develop follow-up reporting, the outcome of which is not yet clear but may contain some RFPs with supportive data management.

#### **ITEM 4:**

#### **Status of the Resource (SOTR) Update, Review, and Approval**

Brian Lipscomb advised that the SOTR template was presented to the Council and the Federal Caucus. Feedback received was favorable. Some additional detail for Lamprey, Hydro, and Predation for anadromous fish was requested, which CBFWA staff has integrated into pages 8, 9, and 10 of the [SOTR template](#). Dave Ward reviewed pages 8, 9, and 10 during the meeting. MAG members were asked to provide any follow-up feedback direct to Dave Ward at [dave.ward@cbfwa.org](mailto:dave.ward@cbfwa.org). CBFWA staff proposed a 33 page final hard copy report with a disc inserted in the back

cover containing the complete report. The disc will be interactively hot-linked with the SOTR webpage. The full report will be about 400 pages.

Brian advised that following MAG's review and approval, CBFWA staff will forward the template by April 30<sup>th</sup> to the agencies and Tribes technical staff for verification of data. On May 6<sup>th</sup>, CBFWA staff will present the final template for Members' review and approval. On May 12<sup>th</sup>, CBFWA staff intends to present it to the Council's Fish Committee at their meeting in Walla Walla with review by the full Council on June 16<sup>th</sup>. July 1<sup>st</sup> is the launch date.

**Action:** The MAG approved the template, with additions and revisions, for recommendation for Members approval at the May 6<sup>th</sup> teleconference and final printing by July 1<sup>st</sup>, confirming that the report cover would be titled 2008. No objections.

It was emphasized that the technical review is for the verification of data only, not the template design.

**Future SOTR Reports:** Looking forward, Brian Lipscomb reviewed a list of proposed future [Top Ten Additions](#) to the SOTR for next year. Brian advised that the list encompassed feedback and requests from the Council and Action Agencies. In July 2009 initial conversations to establish next year's SOTR template will commence.

The MAG commented that the initial list of "Top Ten Additions" appear to be taking the report in a different and much broader direction prompting the question: Is the SOTR the right place to house the information requested in the list?

**ITEM 5: Comments on NPCC High Level Indicators (HLI's)**

On March 13<sup>th</sup>, the Council initiated a request for comments on their updated list of HLI's ([Council Request for Comments: HLI's & Descriptions](#)). Although CBFWA submitted comments in July 2008 ([CBFWA Agencies & Tribes Letter to Council: HLI Comments July 2008](#)), the MAG determined that CBFWA could provide additional comments as a result of the Program being finalized. The MAG directed CBFWA staff to develop HLI comments to the Council for Members review and approval on April 1<sup>st</sup> for timely submission to the Council by the April 24<sup>th</sup> deadline.

On or about March 31<sup>st</sup>, the Council extended the deadline for comments to May 18<sup>th</sup>. Prior to learning of the extension, CBFWA staff prepared a draft comment letter for Members review and approval on April 1<sup>st</sup>; however, as a result of the comment deadline extension, the review of the HLI comment letter was deferred and scheduled for full MAG review at this MAG meeting.

Tom Iverson advised that the point of the current letter is to remind the Council that the CBFWA Members submitted comments on HLI's in July 2008 and also in the CBFWA Program amendment recommendations, and that CBFWA is committed to providing the data the Council needs for the HLI's. See the [Draft Letter from CBFWA to the Council RE: Comments on Council's HLI's](#) that CBFWA staff provided for review.

After a brief discussion, the MAG decided to have CBFWA staff modify the letter and send it out electronically for MAG review and comment. Tom advised that the last time CBFWA staff met with Tom Karier on this issue, his intent was for the HLI's to be tracked from a webpage on the Council website which is essentially duplicating what CBFWA is doing with the SOTR. Tom added that the overall intent is to send a message to the Council that we need to work together instead of having separate reporting sites and recommend that the Council link their HLI page to the SOTR.

**Action:** The MAG directed CBFWA staff to modify the comment letter based on the context of the MAG's discussion and send a revised draft for MAG review by COB Friday, April 24<sup>th</sup>. MAG members will review and provide edits by COB Friday, May 1<sup>st</sup> to allow CBFWA staff time to prepare letter for Members approval on May 6<sup>th</sup>. No objections.

**ITEM 11: Overall Fish and Wildlife Coordination Policy relative to CBFWA Budget for FY 2009 and Beyond**

As communicated under Item 3, Brian Lipscomb advised that he and Chairman Elmer

Ward committed to sending a memo to Council Chairman Bill Booth, summarizing the history of the actions relating to coordination funding decisions that the Council has made and inherent to the PNAMP, CSMEP, CBFWA funding issue.

Tom Iverson provided a verbal summary of the history relative to coordination funding and the MAG requested that his summary of facts be assimilated into a revised memo in lieu of the information contained in draft memo presented for review. (FYI, the draft memo was initially posted for review but then removed when the MAG requested the revision.) MAG members provided clear feedback and direction to CBFWA staff as to the context and theme of the revised draft memo.

Mark Bagdovitz, USFWS, requested that he and NOAA be given an opportunity to review the briefing memo before it is sent to Chairman Booth. Brian advised that he committed to sending the briefing to Chairman Booth in short order. Brian Lipscomb emphasized that CBFWA staff will revise the memo to Chairman Booth and that it will be a statement and summary of fact, not a statement or summary of position, except to the extent of the position already taken by Members, i.e., the 1/19<sup>th</sup> split. As a result, Brian did not believe that the memo would require additional review. Brian asserted CBFWA staff's recommendation that the Members individually make a formal statement of position. If the Members opted to make a formal position statement collectively, then that would require full review by all the Members.

**ITEM 6: Northwest Power and Conservation Council (Council) Amendment Program Review**

The Resident Fish Advisory Committee (RFAC), Anadromous Fish Advisory Committee (AFAC), and the Wildlife Advisory Committee (WAC) were directed to review the amended Program.

**AFAC:** Dave Ward advised that the AFAC have followed the lead of the Wildlife Committee and reviewed the original CBFWA Program amendment submittal comparing that submittal to what is in the amended Program. The AFAC still have some work to do but expect to have a list of approximately 15 or so anadromous fish recommendations and a paragraph on how they were or were not incorporated into the Council's Program.

**RFAC:** Neil Ward advised that in the RFAC review, they have found that there are similarities between the language that exists in the amended Program and what CBFWA submitted. The RFAC tasked Neil with talking with the Council to try to get clarification on some of the amended Program language that is vague and confusing. Neil has initiated that conversation with the Council. The RFAC still have quite a bit of the Program to review but overall they have found it favorable with regard to resident fish issues being addressed, specifically in the sections dealing with resident fish loss assessments for both inundation and operations. The Council has provided the language that will allow for the development of methodology. Neil referenced the white paper released last year by the ISAB regarding non-native organisms. In that white paper, there was a lot of focus on resident fish substitution and they included a draft template for doing risk assessment. Within the amended Program, language is provided that will allow the Managers to work with the Council to further develop the template.

The RFAC may provide a presentation in May about dealing with proposed methodology for loss assessment inundation for resident fish habitat losses. The RFAC expects to have a full review of the amended Program by the June MAG meeting.

**WAC:** Ken MacDonald reviewed the WAC's [2009 Wildlife Program Review](#).

Brian Lipscomb concluded the discussion by stating that it is expected that by May or June, the findings and final availability of the Program will be published in the Federal Register. That is when the clock will start ticking for the 90-day appeal process. At some point over the summer, CBFWA Members, individually or collectively, will need to determine their satisfaction/dissatisfaction with the Program. Brian briefly reviewed the various components and initial timeline of implementing the Program as it is written relative to the reviews by the AFAC, RFAC, and the WAC. Brian stated that he will work with Dave, Neil, and Ken to further develop the timeline and will communicate that further as it is developed.

**ITEM 7: Implementation of the Council's amended Program**

**AFAC:** In January 2009, the Members assigned the MAG to work with the AFAC to 1) identify how the 5 million fish goal was established, 2) summarize how current population objectives have been established, and 3) explore the feasibility of developing consistent criteria for establishing population goals (broad sense recovery that account for viability of ESA listed fish).

Dave Ward reviewed an updated memo to the MAG from the AFAC: [Estimates of Columbia River Fish Runs](#).

**FSOC:** In January, 2009, the Members assigned the FSOC to work with the MAG to develop strategies to maximize likelihood of full and continued funding.

The MAG reviewed the initial FSOC assignment results at the February MAG meeting and requested that the FSOC work toward a more comprehensive and strategic approach for pursuing funds by the Members, and for presentation to the Council (i.e., capture the Program portion, understand how FRIMA and the state portion plays into it).

The FSOC report was deferred to a future MAG meeting because the FSOC has not had an opportunity to meet since the February MAG meeting. A FSOC meeting is scheduled for April 23<sup>rd</sup>.

**ITEM 8: Northwest Power and Conservation Council (Council) Categorical/Geographical Review Process**

Referencing the Council's website ([FY 2010+ Project Review](#)), Brian Lipscomb provided a quick summary of the Council's Categorical/Geographical review process. Brian stated that the review process was developed last March prior to the amended Program, but there is still some confusion about how the review process categorically and geographically aligns with the amended Program in terms of implementation and recommendations from the Council to BPA from a project perspective. There has been participation by Lynn Palensky, Council, through meetings with the WAC regarding the planning the wildlife review, but nothing yet in the M&E arena.

Brian advised that at the April Council meeting, the Council reviewed [RM&E and Artificial Production Categorical Reviews](#), which Brian provided to the Members and MAG in an [email on April 17th](#), along with the Council's list of [Draft Category Review Sets](#). Brian added that it is hard to discern when a decision will be made for projects to implement the new Program; however, it appears that the Council is still working that out. The Council discussed the development of an RM&E framework that would inform the recommendations moving forward and hopefully that will be encapsulated in the workshop for anadromous fish, but it still does not address it for other areas within the review.

In conclusion, the Council's review process is still being formulated but CBFWA Members may want to consider inviting the Council Chairman Bill Booth, and Fish and Wildlife Committee Chair Rhonda Whiting, to the summer Members face to face meeting to discuss how Members propose to work with the Council to get this Program implemented.

**ITEM 9: Coordination with Pacific States Marine Fisheries Commission (PSMFC) Regarding Anticipated Categorical Review of Projects Housed Under PSMFC that are Integral to the Members Needs**

Brian Lipscomb advised that there are approximately 40M worth of projects funded through the mainstem portion of the Program under PSMFC that focus on the collection and warehousing of data, some of which CBFWA accesses for the Status of the Resource (SOTR) report. Randy Fisher, Executive Director of PSMFC, is legally bound by those contracts and any changes to those contracts must go through Randy. In the past, CBFWA had a formal working relationship with PSMFC through the PIT Tag Steering Committee (PTSC), which is active now as a result of changes being contemplated for the PTAGIS database and the Fish Passage Center (FPC). Brian advised that he has requested that Randy work with CBFWA on the FPC MOA but to date Randy has not provided feedback or returned a signed MOA. Unless we receive a signed MOA, Brian does not

have the ability to exercise the obligations under the [CBFWA Charter](#).

Brian suggested that Randy be invited to speak to the Members, summarize the entire breadth of the project efforts that is taking place at PSMFC in relationship to the categorical review for the mainstem that the Council is contemplating, and try to work with Randy to identify a mechanism for Member participation in any changes associated with those projects.

The MAG did not object to inviting Randy Fisher to the next Members meeting. Brian will extend the invitation.

#### ITEM 10:

##### **FY 09 Budgets**

Brian Lipscomb began the discussion advising that CBFWA has received a no-cost time extension from BPA which allows us to utilize funding from FY08 in FY09 but those dollars will be spent by the end of April. BPA has not agreed to increase the funding to the requested amount of \$1.8M, but Brian stressed that over the course of the next ten days CBFWA will need to secure the FY09 contract.

Kathie Titzler and Brian reviewed varying scenarios to balance the reduced budget to include curtailing the CBFWA staff travel budget, with the exception of travel by Brian. This would also require that all future meetings be held out of the Portland CBFWA office. Other scenarios include a reduction of benefits and salaries to CBFWA employees (i.e., health care, reduced salaries, and no 2009 COLA's). Another scenario is to acquiesce to BPA's current policy for having M&E coordination done in a different forum and remove that from our work plan, which would also involve elimination of staff.

Kathie Titzler reviewed spreadsheets containing the scenarios for consideration. Kathie began with the [Reduced Overall AWP Budget](#) spreadsheet and advised that this scenario would keep the scope of work the same but the work would be provided at a different level of effort.

Kathie advised that she sent out an inquiry asking the Members to review their budgets in terms of 11 months, considering that WebEx will be used more extensively, but only received a response from one person. Given that lack of response, Kathie detailed a scenario for consideration in the [Potential Members Reduction Scenario](#) spreadsheet that would represent an equal reduction for each Member. Guidance is needed from the Members on the distribution of FY 09 Member funding.

Kathie reviewed a spreadsheet [FY 08 Members Spending](#) representing what has been spent YTD by the Members. Kathie reminded the MAG that she sends this updated report to Members each month.

Lastly, Kathie provided a spreadsheet that represents the CBFWA [AWP Budget Reduced by M&E Portion](#). That scenario would effect CBFWA staffing as there is 1.80 FTE in the M&E proposal. Kathie advised that CBFWA would need to obtain another contract to fund the staff portion or get CBFWA's budget restored to maintain current staffing levels.

Kathie confirmed that the Members' travel billing has decreased and that is probably attributed to the use of WebEx. The hours that have been billed are also less since we are not paying travel time but Members are still billing the time that they are participating on WebEx. Until Kathie receives all the invoices for FY08 she won't know for sure, but she expects that the funds not spent by Members are as a result of reduced travel due to the use of WebEx; however, Kathie stated that it is also typical that all Members do not spend out their contracts.

BPA has not made an agreement to provide additional funding; they have only committed to provide the \$1.5M dollars. Brian asserted that effective April 30<sup>th</sup>, if CBFWA does not have a new contract in place, CBFWA will have to lock the doors. CBFWA cannot operate without funds.

Brian and Kathie communicated to the MAG that they need direction as to what decision to make and what type of PISCES contract the MAG directs CBFWA staff to initiate.

Kathie advised that she spoke with the BPA contract staff and advised that on a contract

level that CBFWA was still negotiating and asked that if CBFWA accepted the \$1.5M if a revision could be added and they said that would be fine.

Lance Hebdon, IDFG, stated that Kathie has done a great job of laying out what we have to work with. Lance suggested that essentially CBFWA will have to take the contract that has been offered and work to restore funding from that point forward although taking that path presents risks.

Referencing one of Kathie's scenarios, Brian asked if the Members would be willing to reduce their budgets by \$73K in the event that CBFWA does not get the restored funding. The decision with regard to the staff portions will have to be made by Brian but Members' consideration regarding their individual budgets would be greatly appreciated. Kathie added that this is just a scenario and that in reality some Members may not need their portions thereby eliminating the need for other Members to cut their budget as much.

All MAG members in attendance could not speak for the Members. Chairman Houslet directed the MAG representatives to talk to their Members about their consideration of the budget reductions and to be prepared to provide an answer at the May 6<sup>th</sup> Members meeting.

In conclusion, Brian advised that CBFWA will accept the \$1.5M reduced contract with clear communication to BPA that anything entered into the PISCES contract on April 30<sup>th</sup> is tentative and that the Members will need to contemplate and confirm the final budget on May 6<sup>th</sup>, thus protecting the Members authority to approve the final budget.

Brian advised that the Members agenda for May 6<sup>th</sup> will include the approval of a reduced budget in the event that CBFWA's full funding is not restored. CBFWA staff expects to have a better picture by May 6<sup>th</sup> of how much money will be left to sustain CBFWA from FY08 to FY09.

**ITEM 12: 2009 MAG Meeting Schedule and Logistics Update**

In follow-up to a previous discussion in which Chairman Houslet requested that the MAG change the MAG monthly meeting day as he was having scheduling availability issues with the 3<sup>rd</sup> Tuesday, the MAG decided to change the monthly meeting day to the 3<sup>rd</sup> Monday of each month and meet from 1:00-4:00pm instead of 9:00am-12:00pm. The change will take effect in May with the MAG meeting taking place on Monday, May 18, 2009 from 1:00-4:00pm. It is intended for this change to continue throughout 2009 unless there is opposition by a significant number of MAG members. CBFWA staff sent [an email to MAG members on April 22nd](#) advising of the change.

**Upcoming Meetings:**

**Members May Meeting**, Wed, May 6, 2009, 1-4pm (via WebEx)

**MAG May Meeting**, Monday, May 18, 2009, 1-4pm (via WebEx)

**Council May Meeting**, May 12-14, 2009, Walla Walla, WA

**Members Face-Face Summer Meeting:** Brian Lipscomb advised that due to the current budget shortfall, the summer Members meeting will most likely have to take place at the CBFWA office in Portland in June or July 2009 as there will not be funds available for external meeting facilities.

Brian added that conversations need to take place face to face with BPA and the Council relative to coordination funding, implementation of the BiOp, and implementation of the Program to reach an agreement to shift funding and restore CBFWA with a clear understanding of how we can work together to implement both the Program and the BiOp.

**Meeting adjourned.**