



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

851 SW Sixth Avenue, Suite 260 | Pacific First Building | Portland, OR 97204-1339 | Phone: 503-229-0191 | Fax: 503-229-0443 [www.cbfwa.org](http://www.cbfwa.org)

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 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

DATE: April 19, 2007

TO: Members and MAG

FROM: Brian Lipscomb, CBFWA

SUBJECT: Final Action Notes from the 4/16/07 Members Teleconference Meeting

*These action notes were approved as final at the May 2, 2007 Members Teleconference.*

**Special Members Teleconference**  
 Monday, April 16, 2007  
 1:00-2:15 p.m. PST  
 @  
 CBFWA Office, Portland, Oregon

The support material and reference documents for the 4/16/07 Members meeting are posted at: <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=Members&meeting=all>

**Final Action Notes**

**Attendees:** Trina Gerlack, CBFWA

**By Phone:** Larry Peterman, Vice Chair; Lynn DuCharme, CSKT; Peter Hassemer, IDFG; Sue Ireland, KTOI; Tony Nigro, ODFW; Doug Taki, SBT; Howard Schaller, USFWS; Nate Pamplin, WDFW; Brian Lipscomb, CBFWA and Tom Iverson, CBFWA

Rob Walton, NOAA Fisheries abstained on this issue and did not participate in the process.

A quorum was not established during the teleconference. A quorum was established when Dave Statler, NPT phoned Brian Lipscomb after the conference call. Brian updated Dave and he supported the direction of the group.

<b>Time Allocation:</b>	Objective 1. Committee Participation	100%
	Objective 2. Technical Review	0%
	Objective 3. Presentation	0%

**ITEM 1: Resolve Concerns with Paragraph Two of the April 4, 2007 CBFWA Comments to Jim Ruff, NPCC Regarding the FPCOB**

Go to: [http://www.cbfwa.org/Committees/Members/meetings/2007\\_0404/FPCOBletterCBFWAtoNPCCFinal040407.pdf](http://www.cbfwa.org/Committees/Members/meetings/2007_0404/FPCOBletterCBFWAtoNPCCFinal040407.pdf)

**Discussion:** Larry Peterman, MDFWP was asked to present to the NPCC at their meeting in Libby, Montana on April 18, 2007, the 4/4/07 CBFWA letter sent to Jim Ruff, NPCC regarding the Fish Passage Center Oversight Board (FPCOB). After reviewing the 4/4/07 letter, he expressed concerns with the second paragraph. The second paragraph reads as follows:

“The members of CBFWA would like to express our strong and unqualified support for the Fish Passage Center (FPC) due to our confidence in the technical capabilities of its staff. The FPC continues to meet the expectations and obligations, as contemplated in the Fish and Wildlife Program in providing technical support to the agencies and tribes, and other regional stakeholders. The FPC operations have been transparent, all data and analysis they conduct are posted in a timely manner on their publicly accessible web site. The FPCOB created in 2003 as a result of the 2003 Mainstem Amendment to the Fish and Wildlife Program performed an exhaustive audit of the FPC and found that their operations and performance meet the highest standards. We do not believe there is an urgency to “reinvigorate” the FPCOB, since the Council has not arranged any meetings of the board over the past year. This appears to be an effort to fix something that may not be broken.”

The first sentence is overstated in terms of Members support given the history of downstream and upstream issues. The fourth sentence is missing published documentation to support the findings of the FPCOB's audit of the FPC.

MDFWP could not support the letter with paragraph two as written and recommend that CBFWA retract the letter sent to the Jim Ruff and revise paragraph two before resubmitting the letter to the NPCC. MDFWP suggested the following wording as an alternative to the existing paragraph two.

"CBFWA's Members are confident in the technical capabilities of the FPC and its' staff. Some members question the urgency of reinvigorating the FPCOB as its original charge was to conduct an exhaustive audit of the FPC. If that audit was completed, should we rush into reinvigorating the oversight board? "

MDFWP concerns were distributed by email on Friday, April 13, 2007 to the Members and MAG. CBFWA staff polled the Members and MAG to schedule a teleconference on Monday, April 16, 2007 to discuss the concerns in paragraph two.

Emails were received prior to the teleconference from Sue Ireland, KTOI supporting MDFWP's suggestion to retract the letter and edit paragraph two with the wording above.

Tony Nigro, ODFW submitted comments clarifying the history of the audit performed by the FPCOB. ODFW would support submitting a short letter to the NPCC clarifying that the results of the audit were never formally communicated to the NPCC by the full FPCOB, but by letter under signature of a majority of the FPCOB. The original FPCOB did perform an exhaustive audit, which was the subject of our seven meetings, and did find the FPC operations and performance met the highest standards. The fact that those findings were never formally submitted to the NPCC by the full FPCOB doesn't change what the FPCOB did and found. ODFW would not support retraction of the letter or any implication that the letter is factually incorrect.

The groups comments are posted at:

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

The group agreed with MDFWP's concern surrounding paragraph two and stated that letter could have been written better. Tom Iverson reported that the second paragraph of the draft was revised during the 4/4/07 Members Teleconference and rushed to be approved as final by the end of the meeting to meet the NPCC's 4/6/07 comment due date.

Tony Nigro identified an error in paragraph two, CBFWA members state that the original FPCOB was "created in 2003 as a result of the 2003 Mainstem Amendment". In fact, the original FPCOB was created pursuant to the Council's 2000 Fish and Wildlife Program.

The work group suggested these options to resolving the concerns in paragraph two of the 4/4/07 CBFWA letter to Jim Ruff, NPCC regarding FPCOB.

1. Retract the 4/4/07 CBFWA letter to NPCC, revise paragraph two, and resubmit the revised letter to NPCC.
2. Write an additional letter from CBFWA clarifying the inaccuracies in paragraph two, attach it to the 4/4/07 CBFWA letter and present both letters as one in person with an explanation to the full NPCC on April 18, 2007.
3. Retract the 4/4/07 CBFWA letter and clarify it with a cover letter stating the points that explains exactly why.

The group agreed that MDFWP points are important. They discussed what retracting the letter may do to the CBFWA's credibility as a consensus organization and what those implications may be. The original CBFWA letter has been circulation to the region since 4/4/07 and is already in the April NPCC meeting packet.

Most of the group preferred a clarification letter that did not detract from the original recommendations in the 4/4/07 CBFWA letter. The group deliberated on what the clarification letter would look like as a draft. Would the draft include a substitute paragraph two, or rewritten paragraph two, or clarification, or discussions of the issues surrounding the clarification letter? Is there a published copy of the February 2003 FPCOB's audit of the FPC to attach to the letter? Tony stated that he did not have final copy, but FPCOB's audit may have been submitted by Rob Walton, Public Power Council or Liz Hamilton, Association of Northwest Steelheaders.

The draft would include:

- Introduction to explain why CBFWA is clarifying paragraph two of the 4/4/07 CBFWA letter.
- Sentence one of paragraph two overstates the position of all of the Members of CBFWA therefore this sentence is replaced with the following: "CBFWA's Members are confident in the technical capabilities of the Fish Passage Center (FPC) and its' staff."
- Sentence four of paragraph two contains a misstatement of fact, therefore sentences four and five will be replaced with the following: "The Fish Passage Center Oversight Board (FPCOB) created pursuant to the Council's 2000 Fish and Wildlife Program conducted an extensive review over several months of the functions of the Fish Passage Center. Pursuant to this review, four of the seven members of this board submitted to the NPCC recommendations based on the board's findings (letter attached). The NPCC appears to be moving forward to "reinvigorate" the FPCOB and ignoring this work."
- Staff will search for a copy of the FPCOB findings.
- Signature by Larry Peterman, CBFWA Vice Chair

The group requested Brian Lipscomb to apply the deliberations from above and draft a letter to clarify paragraph two of the 4/4/07 CBFWA letter to Jim Ruff, NPCC regarding FPCOB. Sue Ireland, KTOI supports the direction of the group only if the MDFWP and KTOI needs are met and the solution is agreeable for all CBFWA Members. Brian responded that there are no problems with the diverse interests or positions just how we communicate them. CBFWA staff will distribute the draft clarification letter by end of day for MDFWP, KTOI, and Members review and approval to move forward. Trina and Brian will poll the Members and MAG for their comments and availability to meet by teleconference at noon on April 17, 2007.

**Note:**

All CBFWA Members and MAG were emailed the April 15 and April 16, 2007 teleconference notices, concerns, written comments, and drafts surrounding paragraph two of the April 4, 2007 CBFWA letter sent to Jim Ruff, NPCC regarding FPCOB.

In addition, the following Members were contacted by telephone or voicemail and asked to participate in the process through email or by teleconference to provide comments and obtain approval in resolving the concerns in paragraph two of the 4/4/07 CBFWA letter.

Cecil Dick, BPT; Amos First Raised, BPT; Chairwoman Wanda Johnson, BPT; Lawrence Schwabe, BPT; David Speten, BPT; Garry Hendrickx, Cd'AT; Ron Peters, Cd'AT; Dale Chess, Cd'AT; John Platt, CRITFC; Lynn DuCharme, CSKT; Paul Ward, YN; Deb Louie, CTCR; Joe Peone, CTCR; Virgil Seymour, CTCR; Kathryn Brigham, CTUIR; Gary James, CTUIR; Brad Houslet, CTWS; Chairman Ron Suppah, CTWS; Peter Hassemer, IDFG; Gary Aitken, Sr. KTOI; Sue Ireland, KTOI; FWP Chief of Operations Larry Peterman, MDFWP; Brooklyn Baptiste, NPT; Dave B Johnson, NPT; Dave Statler, NPT; Rob Walton, NOAA Fisheries; Tony Nigro, ODFW; Claudio Broncho, SBT; Alonzo A Coby, SBT; Chad Colter, SBT; Doug Taki, SBT; Tim Dykstra, SPT; Chairman Kyle Prior, SPT; Chairman Dan Diggs, USFWS; Howard Schaller, USFWS; Executive Director Mary Verner, UCUT; Bill Tweit, WDFW; Nate Pamplin, WDFW