



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Final

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

DATE: April 8, 2008

TO: Members

FROM: Brian Lipscomb, CBFWA

SUBJECT: Final Action Notes for the March 26, 2008 Members Meeting

**Columbia Basin Fish and Wildlife Authority (CBFWA)
Members Special Teleconference
Wednesday, March 26, 2008
@ CBFWA Office, Portland OR**

Support material is posted at http://www.cbfwa.org/committee_main.cfm.

Final Action Notes

Attendees: Jann Eckman, Tom Iverson, Pat Burgess, CBFWA; John Platt, CRITFC; Karl Weist, NPCC

By Phone: Chairman Larry Peterman, Brian Marotz, MFWP; Ronald Peters, Cd'AT; Peter Galbreath, Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Bill Towey, CTCR; Gary James, CTUIR; Elmer Ward, CTWS; Billy Barquin, Haglund, Kelly, Horngren, Jones & Wilder LLP; Paul Kline, IDFG; F&W Director Sue Ireland, KTOI; Dave Statler, NPT; Rob Walton, NOAA Fisheries; Tony Nigro, ODFW; Claude Broncho, SBT; Mark Bagdovitz, USFWS; D.R. Michel, UCUT; Nate Pamplin, WDFW; Brian Lipscomb, CBFWA

Time Allocation:	Objective 1. Committee Participation	100%
	Objective 2. Technical Review	%
	Objective 3. Presentation	%

ITEM 1: Introductions and Approve Agenda

Action: The Members approved the agenda as presented. No objections.

ITEM 2: Final Draft Program Amendment Recommendations and Transmittal Letter

Tom Iverson, CBFWA, reviewed the final draft (March 20th) reflecting Members requested substantive edits to date. Chairman Peterman stated that at this point in time nothing substantive would be added but items could be removed if consensus was not achieved.

Bill Towey, CTCR, asked if an additional opportunity would be provided for further discussion. Bill stated that the Colville Tribe is still analyzing the document and looking at consistencies with regard to the pending Memorandum of Agreements (MOA). Chairman Peterman agreed that the Members need to consider the consistencies between the MOA's and the amendment recommendations and suggested that this issue be addressed when we have completed today's review.

Throughout the review, additional edits were requested by Members. Modifications discussed and approved at the March 26th teleconference:

Amendment 1.2. Maintain the Geographic Program Structure and Include Anadromous Fish, Resident Fish, and Wildlife Sections at Each Level

Modify the second sentence in the second paragraph:

The resident fish program has two important components: resident fish substitution and resident fish mitigation. The resident fish portion of the

Program is most appropriately planned, implemented, and evaluated at the basinwide and subbasin scales.

Amendment 1.5. Integrate Program with Plans of the Fish and Wildlife Managers (including Endangered Species Act)

Delete the second sentence that begins “To this end... “

Delete the fifth sentence that begins “Sponsors who are proposing...”

Modify the last sentence in the second paragraph:

Examples include measures to protect fish and wildlife populations not listed under the ESA.

Section 2.0. Recommended Amendment to the Basinwide Provisions

Amendment 2.0.1 Add Language to the Objectives for Biological Performance

Reword the final sentence in the second paragraph (Tom will reword as requested by the Members):

However, the FCRPS mitigation responsibility is large enough that for several species, progress towards meeting the overarching biological objectives identified in the Program are indicators of whether implementation of Program is adequate to meet mitigation responsibilities.

Amendment 2.0.3.2 Cooperative data compilation, development, distribution and reporting

Modify the seventh bullet, deleting references to specific forums:

- Coordinate basinwide monitoring and data programs through interagency forums.

Amendment 2.0.4 Add Coordination Measures as a Strategy in the Overarching Section

Add a final sentence to the first paragraph:

The fish and wildlife agencies and tribes will define their coordination needs, which may or may not include membership organizations, and provide recommendations to Council and BPA.

Delete the second paragraph starting with “Bonneville will fund the fish and wildlife agencies and tribes...”

Amendment 2.0.6 Add Language Supporting Water Quality Measures in the Overarching Strategies and Measures Section

Move this amendment to the Anadromous Fish Section and renumber to Amendment 2.1.4.5.

Comments:

Sue Ireland, KTI, advised that the Kootenai Tribe of Idaho intends to abstain from the Section 2.0.4. Add Coordination Measures as a Strategy in the Overarching Section. Sue stated that as a UCUT Member and also as a CBFWA Member, KTI has been abstaining from the coordination discussions in both organizations so as to not cause conflict. The Members discussed revisions to the amendment in an attempt to remove KTI’s intended abstention.

Billy Barquin, KTI, joined the teleconference and reviewed the Members suggested changes in Amendment 2.0.4. After some discussion and revisions Billy and Sue stated comfort with the revised amendment but advised that they would have to review it with their Tribal Council for final approval.

Billy Barquin added that the KTI will probably abstain from the Section 2.1 Anadromous Fish amendments because KTI are not anadromous fish managers and this particular amendment section does not impact the KTI interests. It is not that KTI opposes the amendment recommendation but they feel they are not anadromous fish managers and that their CBFWA partners are better able to address anadromous fish. Billy added that there is a lot of language contained within this section that they have not had an opportunity to

analyze and absent of that analysis it is difficult for KTI to provide full support.

Ron Peters, Cd'AT, added that the Coeur d'Alene intends to sign the transmittal letter but their Tribal Council will only support sections that the Tribe has had an opportunity in which to complete an analysis. They were unable to do an analysis on Section 2.1 Anadromous Fish; however, their Tribal Resolution will not state that they are abstaining but will state that they support the CBFWA document in sections that are of particular interest to Cd'AT.

Rather than stating abstention, Billy Barquin advised that they will consider the approach that the Coeur d'Alene Tribe has taken and will review it with their Tribal Council. However, Billy stated that it is a possibility that as they look at the amendments closer they may find some language that they would have to object to or at least return to the idea of abstention. Billy stated that they will respond to the Members on this issue by Friday, March 28th.

Section 2.1. Anadromous Fish

Amendment 2.1.1 Current Biological Condition

Modify table heading to read:

Table 2.1.1 Recent aggregate adult returns in each province.

Add lamprey to Table 2.1.1.

Amendment 2.1.5.2 Collaborative Systemwide Monitoring and Evaluation Project

Remove the word Project from the title of the amendment.

Comments:

Amendment 2.1.5.4 Fish Passage Center:

Lynn DuCharme, CSKT, the title appears inconsistent with treatment of other specific projects or entities within the recommendations. Lynn stated that CBFWA should not specifically recommend funding the FPC because that implies that the FPC will not evolve or change.

Tony Nigro, ODFW, replied that the FPC is already in the Program and this language reinforces that we don't expect the FPC language to change other than what is being contemplated by the Fish Passage Center Oversight Board (FPCOB) to clarify its role and function. To generalize this section, is to suggest that the language that is already in the Program be changed and as a result that would force an objection from ODFW within the package. Tony agreed that the project number could be removed but not the reference to the FPC. Tony added that the distinction between this project and others is that this project is specifically listed within the Program.

Mark Bagdovitz, USFWS, added that Lynn Ducharme is correct but that this is the one exception in the package that calls out a specific project.

Brian Marotz, MDFWP, brought up the discussion within the MAG meeting and stated that he thought that we were not going to list specific entities or project numbers. Brian recalled that one alternative discussed was listing "a" fish passage center without a project number.

Sue Ireland, KTI, stated that she understood that all references to projects and project numbers would be pulled and in this instance the language changed to state that BPA would fund "a" FPC and related programs. Sue added the KTI could support language to that effect.

Tony Nigro, ODFW, stated that ODFW will not support general language stating that BPA will fund FPC functions and related programs. Mark Bagdovitz, USFWS, stated that the USFWS also has concerns about the language removing the FPC from the Program; however, USFWS would be open to expanding the scope of the FPC to include concerns expressed by the upper basin Members.

Sue Ireland, KTI, stated that if the language is not changed, KTI may have to object to the amendment; however, she is not prepared to give a definitive answer on the suggestions given without talking with her policy representatives. Sue stated that she has received clear policy direction that this issue must be kept generic to maintain consistency with the

rest of the amendments.

After an extensive discussion, the Members finally resolved to remove all existing language from the FPC amendment 2.1.5.4. and replace it with the following:

Amendment 2.1.5.4 Fish Passage Center

Retain the existing Fish Passage Center language (2003 Mainstem Amendment, pages 27-28) in the Program with the following exceptions:

- Remove the reference to dual management/supervisory authority over the fish passage manager.
- Remove the reference to CBFWA providing a liaison position between the public and the Center.
- Remove the last paragraph that makes reference to a technical advisory committee.
- Add the following language to the Program: Bonneville will fund a position within the Fish Passage Center whose expertise can support storage reservoir operations analyses and identify in-season resident fish impacts of the FCRPS.

Sue Ireland, KTI, will review the language with her policy representatives and will advise of their response by Friday, March 28th. Lynn DuCharme, CSKT, left the call before confirming the revised language; however, Brian Lipscomb stated that he will provide follow-up with Lynn.

In response to concerns expressed by Dave Statler, NPT, regarding the potential of multiple entities abstaining from the amendment recommendations, and Ron Peters, Cd'AT, concern that the package may not move forward, Chairman Peterman and Brian Lipscomb reiterated that the Members agreed that in instances where consensus was not received, the Members would make every attempt to work through the issues and make changes toward consideration. If consensus is not reached on a specific amendment, the Members agreed to remove the amendment from the package. The conversation today provided deference to the KTI and CSKT positions and it appears that we are still heading in the forward position.

Tony Nigro, ODFW, added that he felt that concerns of multiple entities abstaining or the package not moving forward are premature. Sue Ireland, KTI, commented that the KTI is committed to trying to resolve the issues in an effort to reach consensus and they do not intend on objecting to the document.

**Transmittal Letter
Comments:**

John Platt, CRITFC, requested consideration with regard to the Transmittal letter and the legal impact of what is sent to the NPCC. John stated that the question is whether or not this should be entered as a formal recommendation with the legal powers that conveys upon the NPCC, or delivered as a consensus document that reflects the deliberations of the agencies and Tribes. John stated that there are some critical considerations that need to be discussed. John had to leave the meeting early but stated that he would be willing to return to discuss this issue further.

Action:

The Members agreed to meet on Friday, March 28th from 1:00-5:00 p.m. PST to continue the final review of the amendment recommendations, the transmittal letter, and the appendix.

Brian Lipscomb stated that he will work with John Platt and in addition discuss this issue with Joe Mentor and be prepared to provide alternate language for the transmittal letter for further discussion at the meeting on Friday, March 28th.

**Review of
Amendment
Recommendations –
Cont'd:**

Amendment 2.1.5.8 Anadromous Fish Evaluation Program (AFEP) (Level 3a)

Remove all existing language from this amendment and replace with the following:

The Corps will continue improvements in collaboration with the fish and wildlife agencies and tribes to achieve objectives within the Fish and Wildlife Program.

Amendment 2.1.5.12 Critical Uncertainties

Modify the final bullet on hatchery critical uncertainties as follows:

- Hatchery critical uncertainties include:

- The effects of stray hatchery origin (harvest augmentation or supplementation) adults on the productivity of non-target natural populations
- The effects of supplementation hatchery origin adults on the long term productivity of target natural populations
- Effects of hatchery programs on hatchery/wild fish competition in terms of habitat use and nutrition/growth
- Effects of hatchery programs on mortality rates of natural populations due to predation by hatchery origin fish

Amendment 2.2.4 Provide Priorities and Principles for Resident Fish Strategies and Measures

Delete the fourth bullet (Appropriate mitigation will be determined...) in the second set of bullets in this section. Replace the first sentence under Develop Resident Fish Loss Assessment Methodology and Continue to Fund Existing Project in the Interim:

Delete: "In consultation with....."

Add: Bonneville will fund the fish and wildlife agencies and tribes to develop and implement a Columbia River Basin Resident Fish Loss Assessment Methodology that will be applied by each agency and/or tribe in their specific geographical area.

Section 2.3. Wildlife

Amendment 2.3.1 Include the Current Ledger for Wildlife

Delete references to the Montana and Dworshak settlement agreements in two places:

- 1) Delete the third sentence in the first paragraph starting "This decision assumes..."
- 2) Delete the last sentence in the footnotes for Table 2.3.1 starting "Losses associated with....."

Amendment 2.3.4 Provide Priorities and Principles for Wildlife Strategies and Measures

Delete references to the Montana and Dworshak settlement agreements in the final paragraph under "Establish a Wildlife Crediting Forum for maintaining the crediting ledger":

"If settlement agreements (e.g. Dworshak and State of Montana) are reached between affected managers..."

March 28th Agenda Addition:

At the request of Bill Towey, CTCR, the issue of CBFWA amendments being consistent with MOA's in development will be added to the agenda for Friday, March 28th.

FYI/Upcoming Meetings:

- The Next Members Teleconference is scheduled for Friday, March 28, 2008 from 1:00-5:00 p.m.
- A Members Teleconference is scheduled for Wednesday, April 2, 2008 from 1:00-4:00 p.m.
- Amendments are due to the NPCC on Friday, April 4, 2008.
- Next NPCC Meeting, April 15-16, 2008 in Whitefish, MT.

Meeting adjourned.