



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: January 29, 2009
TO: Members
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the January 21-22, 2009 Winter Members Meeting

Columbia Basin Fish and Wildlife Authority (CBFWA) Winter Members Meeting Boise, Idaho

Wednesday, January 21, 2009

Time: 12:00pm – 5:00pm (MST)

6:00pm Dinner Speaker - Rocky Barker

Thursday, January 22, 2009

Time: 8:30am – 12:00pm (MST)

Doubletree Hotel Boise-Riverside

2900 Chinden Blvd.

Boise, ID 83714

208-343-1871

Support material are posted at

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

Final Action Notes

Day One – Wednesday, January 21, 2009

Attendees: Chairman Elmer Ward, CTWS; Larry Peterman, MFWP; Vice Chair Rob Walton, NOAA Fisheries; Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Jim Malatare and Lynn DuCharme, CSKT; Brad Houslet, CTWS; Jim Unsworth, IDFG; William Barquin and Sue Ireland, KTOI; Joe Mentor, Mentor Law Group, PLLC; Dave Statler, NPT; Tom Rien, ODFW; Claude Broncho, Lytle Denny, Doug Taki, and Kurt Tardy, SBT; Robert C. Bear, Carol Perugini, James Blossom, and Cristi Walker, SPT; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; Nate Pamplin, WDFW; Brian Lipscomb, Jann Eckman, Kathie Titzler, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, and Trina Gerlack, CBFWA

By Phone: Dick Wallace, NPCC

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

Welcome and Opening Remarks

Invocation by Claude Broncho, SBT

ITEM 1: Introductions, Roll Call, and Approve Agenda

Action: The Members approved the draft agenda as written. No objections.

ITEM 2: Change of Officers

Action: Larry Peterman, Montana Fish, Wildlife, & Parks, who retired December 2008, passed the gavel to incoming chair, Elmer Ward, Confederated Tribes of the Warm Springs Reservation. Rob Walton, NOAA Fisheries will serve as vice chair. The change of officers was approved. No objections.

ITEM 3: 2009 CBFWA Committee Designees at Winter Members Meeting

Background: At the winter meeting of the Members, it is customary for each Member to submit the names of the designees and alternates appointed to serve on the groups and committees of CBFWA for the next year. CBFWA staff has a template for Members to complete and bring to the January 21 & 22, 2009 Members Meeting or email to jann.eckman@cbfwa.org or trina.gerlack@cbfwa.org. Please complete the [template](#).

Brian Lipscomb asked that the Members give their completed form to Jann Eckman or CBFWA staff. Larry Peterman, MFWP stated that Chris Hunter would be the Members representative. Rob Walton, NOAA reported that Bob Lohn is no longer a federal employee and Barry Thom is the acting Regional Administrator.

ITEM 4: January 7, 2009 Members Draft Action Notes

Action: The Members approved the draft January 7, 2009 Members Teleconference action notes as final. No objections.

ITEM 5: CBFWA Amendment Recommendations and Comments Update

- Background:**
- The final CBFWA comment package on the draft Fish & Wildlife Program was submitted to the NPCC on December 1, 2008 and is posted at http://www.cbfwa.org/news_main.cfm.
 - On December 17, 2008 a memo was sent to the Chairman Bill Booth and Fish and Wildlife Director Tony Grover, NPCC signed by Executive Director Brian Lipscomb, CBFWA regarding further clarification of CBFWA agencies and Tribes' recommendations and comments on the draft Program: [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).
 - CBFWA staff will provide an update and discuss NPCC discussions at their January 13-15, 2009 meeting in Missoula, MT. The NPCC is finalizing their Program for a February release.

Update: Brian Lipscomb provided an update of the NPCC discussions surrounding the F&W Program, implementation processes, and appendix of measures. Some of CBFWA's comments are under consideration. In February 2009, the NPCC's will consider adopting the Program as final. In April 2009, the Final Program will be available for review. The CBFWA should review the Final Program's specific language i.e. Fish Passage Center, BiOp objectives, and fish and wildlife agencies and Tribes recommendations to decide how to proceed. Brian requested that the Members articulate their questions for the Q&A paper that is Joe Mentor is preparing. Brian will work with Joe to develop an appeal strategy, if necessary. Brian stated that CBFWA staff would provide a review of the Final Program pursuant to the recommendations, comments and consultations provided and present those findings to the Members. At that juncture, staff will shift to implementation unless the Members direct otherwise.

ITEM 6: Context for FY 2009 CBFWA Activities

- Background:**
- CBFWA staff will give a brief presentation relating the various processes in the region to the adaptive management cycle as described by the Members in the Definition of Coordination adopted in October of 2007 and the [New Directions Work Plan](#) finalized in October of 2004. The development of the Fish and Wildlife Program and the implementation Biological Opinion RPA's including the Fish Accords will be the focus.

Discussion: Tom Iverson distributed a NPCC memo from Lynn Palensky regarding [Update on Project Reviews](#) for Members review and information. The memo includes tentative timeframes for ongoing project review processes for Accord Projects, Wildlife Review, and RM&E-Plus Review.

Tom provided a presentation “[Defining CBFWA FY09 Workplan](#)” to the Members combining the discussions on CBFWA activities and work plans for FY 2009.

ITEM 7: CBFWA Work Plans

Discussion: The CBFWA FY09 contract year begins on April 1, 2009. A draft CBFWA FY09 work plan is out for Members review and approval. The Members were asked to review and approve the priority tasks identified in the work plan and the budget to implement those tasks and provide comments. The Members discussed how to develop a strategy to ensure adequate collaboration and funding by BPA and the NPCC.

The Members discussed the following issues: implementation schedule and how CBFWA could participate in the processes, updating and briefing new directors, CBFWA tasks and deliverables, getting local agreement from all interested parties, recovery boards’ coordination needs, delivering a common template for subbasin level work plans with project lists that are consistent with priorities to NPCC for BPA funding that would add up to a complete Program rather than 58 individual work plans, building M&E work plan, biological objectives, fish accords, project selection, and SOTR.

Tom Iverson stated, coordinating the monitoring and evaluation (M&E) plan will be the priority in 2009. It is Tony Grover’s, NPCC, goal is to accomplish a coordinated M&E plan. NPCC rolled out their draft M&E report signifying their emphasis on M&E. Their M&E project review is in the planning phase. How does CBFWA want to be involved in the M&E coordination efforts and processes beyond what is proposed in the CBFWA work plan?

Brian Lipscomb recommended that the Members define the best anadromous fish M&E committee to review the M&E plan, i.e., a combination of AFAC and technical experts who developed M&E coordination under CSMEP. In addition, policy discussions on how to adjust monitoring across anadromous fish to accommodate the coordinated framework, and agree that the SOTR webpage is the location to report M&E data and agree on how data management is reported. Brian is meeting with Tom Karier and Dick Wallace, NPCC to discuss meshing M&E coordination efforts. Dick Wallace supported common currency reporting SOTR, RM&E, and High Level Indicators (HLIs). The NPCC is in ex parte regarding the Program and Dick Wallace was not on the phone during those discussions.

Brian stated that BPA has categories within the mainstem systemwide, one category is \$2.4M coordination funding, in the past CBFWA received 100% from that category. This year, the UCUTs will need \$250K for coordination, and to accommodate that, there will be less BPA coordination funding for CBFWA. Staff prepared several work plan elements that are defined in the mainstem systemwide BPA proposed budget outside the boundaries of coordination. Brian asked the Members if they supported full funding for CBFWA, do they understand that 250K coordination funding will shift to UCUT, and to look for utilization of CBFWA to provide some of the deliverables currently defined outside of coordination, primarily the M&E coordination elements for the BiOp that will spill over to the Program.

Brian asked the Members to approve the CBFWA FY09 draft budget and work plan and continue to work with MAG to begin discussions with BPA to identify what work plan elements consist in their mainstem systemwide that would fund M&E coordination. Are the Members committed in supporting CBFWA as the forum to facilitate their participation in the BiOp RM&E products? There are several subcommittees pursuant to Regional Implementation Oversight Group (RIOG) and the Federal Caucus to discuss M&E and BiOp implementation that require fish and wildlife agencies and Tribes participation. The action agencies are working on implementing the BiOp and reporting to the RIOG. How does CBFWA organization want to participate in that process efficiently as the federal action agencies begin implementation?

Tom Iverson distributed the revised draft FY09 CBFWA Statement of Work and budget for Members review. The Members provided edits for staff to incorporate into the final draft to Greg Delwiche, BPA signed by Chairman Elmer Ward, CBFWA. The Members discussed a draft strategy for developing monitoring and evaluation coordination through CBFWA and directing the MAG to develop a work plan and budget. After a long discussion and review, the Members adopted the following actions.

- Action:** The Members of CBFWA approve the CBFWA Work Plan for the Annual Implementation Work Plan project with a budget of \$1,895,201. No objections.
- Action:** The Members directed MAG to establish an ad-hoc policy and technical committee to develop a coordinated work plan for the CBFWA members to participate in the development of tasks and deliverables to support Program and BiOp M&E, and develop Members time and travel necessary to support those deliverables in addition to the adopted CBFWA work plan. No objections.
- Action:** The Members directed staff to articulate to BPA in the form of a letter signed by the chair that this is our base budget requirements and do not include Members time and travel for M&E deliverables. It is anticipated that CBFWA Members and staff will collaborate with BPA in the development of the M&E work plan and budget. No objections.
- Note:** The CBFWA request to support the [CBFWA Statement of Work and Budget](#) for coordination, F&W Program support, and reporting for FY09 through the Annual Implementation Work Plan project was sent to Greg Delwiche, BPA on January 26, 2009.

ITEM 8: Draft Status of the Resources Report (SOTR)

- Discussion:** The final draft SOTR template was approved during the January 7, 2009, Members Teleconference. The CBFWA staff was directed to, for the next 60 days, solicit input from the NPCC, BPA, and other interested parties. A presentation of the SOTR to NPCC Fish and Wildlife Committee and full Council is scheduled at the February 2009 NPCC Meeting requesting their endorsement. It is anticipated that the final hard copy of the SOTR will be ready for Members approval at the March 2009 teleconference.
- Brian asked the Members to consider the relationship of the SOTR (hard copy and webpage) to the other regional reporting efforts including BiOp and recovery reporting. Brian asked the Members to clarify their intent relative to how data is provided to each of these efforts and how they can assist in streamlining the various processes.
- The Members discussed the intent relative to the SOTR's relationship to the other reporting efforts in the region. They support that the SOTR is evolving and is a valuable tool for reporting data but not the only tool and in the future SOTR will get broader as it develops. The SOTR is meeting the objective the Members identified in the work plan.
- Rob Walton asked that the Members to review the document he provided on the [guidelines and procedures adopted by the RIOG](#). The RIOG is to continue collaboration on these Programs and must be coordinated with Tribal sovereigns and state entities to discuss these issues. There is an opportunity for the CBFWA organization to participate in the RIOG and RPAs and RM&E processes. It is important that the appropriate people are participating at these tables.

ITEM 9: Fish Screening Oversight Committee (FSOC) Actions

FSOC Charter

- The FSOC is committed to becoming revitalized and the development of a charter is a step in this process. In December 2008, the MAG recommended forwarding the draft FSOC charter to the Members for approval.
- Discussion:** Dave Ward provided an update of FSOC's history and overview of the draft Charter. The charter for the AFAC, RFAC, and WAC technical committees was the template for the FSOC Charter. FSOC is open to all members of CBFWA and non-voting parties who are interested in fish screen issues. The FSOC bi-annual workshops are funded by the fees paid

by the attendees. FSOC would be available for technical reviews of projects.

Action: The Members approved the Fish Screening Oversight Committee (FSOC) charter as final. No objections.

FRIMA Letter

The FSOC drafted the letter for Members consideration in support of reauthorizing Fisheries Restoration and Irrigation Mitigation Act (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). The USFWS and NOAA Fisheries abstained.

Discussion: Dave Ward presented the draft letter reviewed by MAG. The Members supported sending the letter urging support for re-authorization of the FRIMA and discussed the signatories and audience for the letter. The Members suggested the letter be sent to members of the appropriate House and Senate committees. Over the next 2 weeks, staff will collect as many Members' signature as possible for the letter. Mark Bagdovitz will meet with Dan Diggs for comment and send abstention language for the memo. At the Jan. 23 FSOC Meeting, they will discuss the appropriate committees and best audience to receive the letter.

Action: The Members adopted the CBFWA letter in support of Fisheries Restoration and Irrigation Mitigation Act (FRIMA) reauthorization with 10 business days to collect individual Members signatures and send to the appropriate committees. No objections. The USFWS and NOAA Fisheries abstained.

Dinner Speaker - Rocky Barker

Rocky Barker shared some of his experiences relating to fish and wildlife issues and perspective on what changes could be ahead for fish and wildlife resources under the new Obama administration.

Day Two – Thursday, January 22, 2009

Attendees: Chairman Elmer Ward, CTWS; Vice Chair Rob Walton, NOAA; Larry Peterman, MFWP; Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Jim Malatare and Lynn DuCharme, CSKT; Brad Houslet, CTWS; Jim Unsworth, IDFG; Tribal Council Member Gary Aitken, Sr., William Barquin, and Sue Ireland, KTOI; Joe Mentor, Mentor Law Group, PLLC; Dave Statler, NPT; Tom Rien, ODFW; Claude Broncho, SBT; Doug Taki, Kurt Tardy, and Lytle Denny, SBT; Robert C. Bear, Carol Perugini, James Blossom, and Cristi Walker, SPT; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; Nate Pamplin, WDFW; Brian Lipscomb, Jann Eckman, Kathie Titzler, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, and Trina Gerlack, CBFWA

By Phone: There were no callers on the phone.

Time Allocation:

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

ITEM 10: Introductions and Recap of Day One Meeting

ITEM 11: Anadromous Fish Advisory Committee (AFAC) Objectives Analysis

Background:

- In May 2008 the Members directed the AFAC to “develop the linkages between the population level objectives and the programmatic level objectives” contained within the NPCC’s Program. This assignment was intended to be a technical analysis that would result in an estimate of the number of salmon and steelhead returning to the Columbia

River Basin if all subbasin objectives were met. Results from the analysis may be used to assess progress likely to be realized towards the NPCC's interim goal of 5 million adult salmon and steelhead if subbasin and recovery plan objectives are achieved.

- Progress on the assignment was presented to the Members in August 2008. The Members then directed the AFAC to work with appropriate entities as needed to refine the objectives. Subsequently, many member agencies have reviewed the draft and provided comments. Co-managers do not agree in a few areas; therefore, a range of objectives is included.
- CBFWA staff will present the draft results. Upon Members approval, the next steps will include presenting results to others in the region, including recovery planning and subbasin groups. This will help to ensure that these groups understand how the objectives were developed, and will facilitate future discussions when the NPCC seeks review and discussion of subbasin summary tables submitted as part of the CBFWA amendment recommendation.

Discussion: Dave Ward presented the AFAC objectives analysis to the Members. The Members did not approve presenting and discussing the objectives analysis with other groups in the region. The Members provided edits to the analysis, raised questions about the fish count goals and results, and the value of sharing the information. Is there agreement on how the anadromous fish analysis is done? What is the methodology? The Members assigned the MAG and AFAC to complete the actions below and report their findings to the Members.

Brian Lipscomb stated, this is a regional effort to define objectives and it is important that the fish and wildlife agencies and Tribes participate in the process to define objectives on the subbasin scale and basinwide scale.

Claudio Broncho stated this is the fish and wildlife managers, federal and state agencies, and Tribes job to save the resources and we are here to do the work.

Actions: The Members assigned the MAG to work with the AFAC to:

1. Identify how 5 million fish goal was established;
2. Summary of how current population objectives have been established, and;
3. Develop consistent criteria for establishing population goals (broad sense recovery that account for viability of ESA listed fish).

No objections.

ITEM 12: Briefings for the New Administration

New Administration Briefing Regarding Fish and Wildlife Issues and Policies in the Basin

The MAG developed a draft briefing paper for Members consideration. The Members discussed the development of a consensus briefing paper for the new administration regarding fish and wildlife issues in the Columbia River Basin and the policies they may adopt for fish and wildlife resources in the basin. After a long discussion, the Members provided edits for staff to incorporate into a revised draft for distribution and review prior to the February 4th Members Teleconference.

Action: The Members directed staff to prepare the revised briefing paper to the incoming administration for Members consideration at the February 4, 2009 Members Teleconference. No objections.

Draft Mitchell Act Funding Memo for Fish Screens and Fishways

The FSOC has prepared for Members consideration a briefing memo summarizing the effects on fish screens if Mitchell Act funding is eliminated in 2010.

- Discussion:** Dave Ward presented the draft memo; the Members discussed the information in the memo regarding the President's budget and agreed that funding for screens is important. The Members assigned MAG to work with FSOC to define full funding and develop funding strategies for Members review.
- Action:** The Members assigned the MAG to work with FSOC to define what full funding would be for fish screening and establish a funding strategy for Members review. No objections.
- ITEM 13: Update on December 10, 2008 - Developing a Northwest Tribal Climate Change Legislative Strategy Workshop**
- Discussion:** Brian Lipscomb stated that the meeting notes from the December 10, 2008 "Developing a Northwest Tribal Climate Change Legislative Strategy Workshop" are not available. The workshop was a briefing and opportunity for the Tribes to engage in the process. Brian encouraged CBFWA's participation at the state and national levels to address climate change in the form of carbon cap and trade legislation. State governors from OR, WA, and MT are addressing this issue. Brian will keep the Members updated on the process.
- Larry Peterman stated that the states are working on carbon sequestration and carbon cap and trade legislation will be prepared on the national level.
- ITEM 14: Review CBFWA Staff Office Operating Hours**
- Background:**
- On September 4, 2008, the Members did not object to the CBFWA staff moving to a Monday through Thursday 4 /10-hour day work schedule to reduce the carbon footprint due to the current economic climate, with the caveat that the schedule change would be assessed by the Members at the winter meeting.
 - If the Members are still satisfied with the service provided by CBFWA the change will become permanent and the staff would continue to work Monday through Thursday 4/10-hour days with the CBFWA office closed on Friday, thereby not providing administrative support on Friday. If there are occasions where issues are identified requiring an adjustment of schedule, CBFWA staff will continue to make schedule adjustments as necessary.
- Discussion:** The Members provided comments and support the new operating hours for CBFWA staff. Jim Unsworth is interested in the 4-day workweek and would like to review any cost saving information available.
- Upcoming Meetings:**
- Members February Teleconference**, Wed. Feb 4, 2009 1-4pm (via WebEx)
- MAG February Meeting**, Tues, Feb 17, 2009, 9am-12pm (via WebEx)
- NPCC February Meeting**, Portland, OR - Feb. 10-12, 2009 - <http://www.nwcouncil.org/>
- ATNI Winter Conference**, Feb. 16-19, 2009 - www.atntribes.org
- American Indian Resources Institute Tribal Leaders Forum** - Jan. 23 & 24, 2009
- Meeting Adjourned** **Closing prayer by Claude Broncho, SBT**