



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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DATE: February 5, 2007
TO: Members Advisory Group
FROM: Lynn DuCharme, Chair, and Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from 1/25/07 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 government 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

MAG Meeting

Thursday, 1/25/07
9:00am - 3:00pm

@ CBFWA Office, Portland OR

The support material and reference documents for the 1/25/07 MAG meeting are posted at <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>

Final Action Notes

Attendees: Lawrence Schwabe, BPT; Phil Roger, CRITFC; Lynn DuCharme, CSKT; Sheri Sears, CTCR; Peter Hassemer, IDFG; Gwen Lankford, Sapphire Strategies; Doug Taki, SBT; Mark Bagdovitz, USFWS; Mike Faler, USFWS; Jim Uehara, WDFW; Nate Pamplin, WDFW; Dave Statler, NPT; Pat Burgess, Jann Eckman, Trina Gerlack, Tom Iverson, Tana Klum, Brian Lipscomb, Ken MacDonald, Kathie Titzler, Dave Ward, Neil Ward, CBFWA

By Phone: Dale W. Chess, Cd'AT; Carl Scheeler, CTUIR; Michele DeHart, FPC; Sue Ireland, KTI; Mark Deleray, MFWP; Brian Marotz, MFWP; Tom Rien, ODFW; John Platt, CRITFC.

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

ITEM 1: Introductions and Approval of Agenda

Lynn DuCharme was not available at the start of the meeting, Mark Bagdovitz served as acting chair until the beginning discussion of Item 6.

Discussion: Item 13 (PR Committee Update) was moved up to follow Item 3. FPC Ninth Circuit Court decision was added to the agenda. Item 16 (CBFWA Technical Committee Updates) may not need to be covered after completion of Items 7 and 8.

Action:

- Mark Bagdovitz moved to accept agenda as modified, seconded by Doug Taki. No objections.

NOTE: *Within the meeting, additional agenda items were rearranged to maximize use of time; as a result agenda items are listed in the order in which they were discussed.*

Discussion: Mark Bagdovitz will provide a minor edit to his "statement to sustain" under Item 5 (BPA Presentation on In Lieu Findings) direct to CBFWA Admin staff.

ITEM 2: Review the 12/19/06 MAG Meeting Draft Action Notes and approve as Final

Action: Mark Bagdovitz moved to accept 12/19/06 MAG draft action notes with minor edits he will provide to CBFWA Admin staff, seconded by Pete Hassemer. No objections.

ITEM 3: Members Budget Increase Requests

Discussion: The MAG reviewed budget increase requests from CTUIR for an additional \$10,000 and the WDFW for an additional \$5,000.

Discussion: Kathie Titzler presented the budget increase requests for review and to approve to forward for Members' final approval at the February Members meeting. There is currently \$25,166 left in the Reserve account, leaving \$10,166 in the account if these requests are granted. Funds must be spent before 3/31/07.

View the CTUIR and WDFW request rationale at:

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/CTUIRfundingRequest18Jan07.pdf

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/WDFWfundingRequestEmail19Jan07.pdf

Action:

- Dave Statler moved to approve both requests for submittal to the Members, Doug Taki seconded. No objections.

Reminder:

- Kathie advised that there is only two months remaining in the fiscal year and there's currently \$172,000 in funds not yet billed by Members. Kathie reminded everyone that it is important that they submit their bills for payment. BPA and NPCC review the financial activity and may consider the funding not necessary if funds are not utilized.

ITEM 13: Report from Public Relations Committee

Discussion: Gwen Lankford and Tana Klum provided a review of the draft website and brochure design. Incorporated into the following overview are Gwen and Tana's responses to questions/concerns raised by MAG members:

Website:

- Logo brand and marketing authenticity.
- Images center/lower left will rotate to reflect diversity: effect will be subtle.
- Current navigational elements will be enhanced.
- Contact information will be more obvious than on the current site.
- Consecutive pages will be consistent with the home page design but with minimal visual design elements.
- Minimal flash technology will be used and design will fit all screen sizes. Font type/size will be standard to accommodate a variety of users.

Brochure:

- Design and placement is an explanatory format design to answer the basic questions about CBFWA/CBFWF. Website address placed throughout.
- Much of the language used originated from the current Charter; however, final draft is not as "dry" as the Charter language.
- Member list heading will be changed from "tribes and government agencies" to "tribes and fish and wildlife agencies" or, "tribes and agencies." The electronic version of the letterhead will be changed as well.
- The Basin outline will not be used as it is not as recognizable as the map of the states.
- Use of a harvest image was suggested. Captions will be added to images where appropriate.

Action:

- Gwen asked the MAG members to review the Member list to ensure that information is correct.
- The issue with image suggestions is gaining access to the original photos and having the opportunity to evaluate and choose the best images. The images used were taken from past PowerPoint presentations. If anyone possesses the original to any of the images, please contact Gwen Lankford at gwen@sapphirestrategies.com.
- Gwen will incorporate suggestions and comments. The revised brochure and website design will be reviewed with the Members at the February meeting.

Graphic representations can be viewed at (links are to versions viewed during the

meeting and do not reflect revisions discussed within meeting) :

http://www.cbfga.org/Committees/MAG/meetings/2007_0125/CBFGAwebpageRevamp07Jan25.jpg
http://www.cbfga.org/Committees/MAG/meetings/2007_0125/CBFGA_broch_2007Jan24c.1.pdf

ITEM 4: Pacific Lamprey Update

Discussion: Originally, Doug Young, a field biologist from USFWS, involved in Pacific Lamprey restoration was scheduled to provide a presentation; however, Doug was unable to attend today's meeting. Mark Bagdovitz, USFWS, communicated that the USFWS has not lost sight of the Pacific Lamprey.

Dave Statler, NPT, expressed the NPT's policy representatives' concern about Pacific Lamprey and the seriousness of the passage problems.

- Mark stated that USFWS would like to host a Lamprey Summit in 2007.
- Phil Roger advised that a core group, which includes some CRITFC staff, is working on arranging a 2007 Lamprey Summit.
- Dave Ward, CBFWA, advised that the AFAC has recharged the Lamprey Technical Workgroup.
- Mark Bagdovitz advised that Dan Diggs will attend the February Members' meeting representing USFWS on this issue.

ITEM 5: Canadian North Fork Mining Issue

Discussion: Cline Mining Company is proposing a coal mine in the headwaters of the Flathead Basin. State and federal officials of Montana are not satisfied with the Terms of Reference. Brian Marotz and Mark Deleray, MFWP, provided a presentation via teleconference outlining this issue.

Link to Presentation:

[http://www.cbfga.org/Committees/MAG/meetings/2007_0125/ClineMineFisheriesDeleray\[1\].pdf](http://www.cbfga.org/Committees/MAG/meetings/2007_0125/ClineMineFisheriesDeleray[1].pdf)

Additional Information for review:

- <http://cbbulletin.com/Free/198335.aspx>

- http://www.nwcouncil.org/news/2007_01/7.pdf

NPCC letter in response dated 1/18/2007:

- http://www.cbfga.org/Committees/MAG/meetings/2007_0125/NPCC-NorthForkMineLetter011807Final.doc

Draft Letter for MAG review:

http://www.cbfga.org/Committees/MAG/meetings/2007_0125/NorthForkClineMineLetterFromBMartozForCBFWAreview012307DRAFT.doc

Brian Marotz presented a letter drafted to the BC government for MAG review. The MAG discussed whether or not CBFWA should respond and if so, what stance would be appropriate for CBFWA. The discussion centered on two important points: suggesting collaborative dialogue using the existing IJC and assessment of cumulative impacts. Considerations included the short time frame if a response is to be sent within the public comment period and in obtaining the Member Chair's signature given the upcoming change in officers at the February Members Meeting. It was also discussed that the letter did not necessarily have to be sent during the requested comment period. Brian Lipscomb advised that he would review the CBFWA Charter during to determine if, as an option, he could sign a letter as CBFWA's Executive Director.

- Action:**
- Brian Marotz moved to assign CBFWA staff to draft a letter to the Canadian government containing two points discussed (i.e., suggesting collaborative dialogue using the existing International Joint Commission and assessment of cumulative impacts), seconded by Sue Ireland. No objections.

ITEM 6: Innovative Project Proposals

Discussion: CBFWA Members approved for Chairman Trahan's signature a letter, dated 1/5/2007, to

NPCC suggesting that they use the current suite of unfunded 07-09 proposals from which to select innovative projects for funding should they proceed with the innovation solicitation. Council staff issued a decision memorandum dated 1/9/2007 recommending that the Council move forward with an innovative projects solicitation.

As suggested by the Council staff, CBFWA staff queried the 07-09 proposals and pulled 26 proposals in which the ISRP used the term innovative within their review. Council staff also queried and sorted 16 proposals, three of which the ISRP stated do not fund.

Course of action options put forth within the MAG discussion: 1) for CBFWA to send letters to project sponsors notifying them of the process and encouraging them to re-submit their proposals to NPCC based on an innovative funding approach; 2) for Tom Iverson to make personal contact referring the sponsors to the Council or, 3) do nothing.

CBFWA Letter to NPCC dated 1/5/07:

http://www.cbfga.org/Committees/Members/meetings/2007_0103/InnovativeSolicitationLtrToNPCC-05Jan2007Final.pdf

NPCC Decision Memorandum dated 1/9/07:

http://www.cbfga.org/Committees/MAG/meetings/2007_0125/NPCCdecisionToSolicitInnovativeProposals010907.pdf

CBFWA sort of innovative proposals with keyword "innovative" in ISRP review:

http://www.cbfga.org/Committees/MAG/meetings/2007_0125/2007_0123FY07PotentialInnovativeProjects.XLS

Action: The MAG decided to let the process unfold *status quo*.

ITEM ADDED: **BPA Project Funding Recommendations Update**

Discussion: Tom Iverson communicated that BPA's project funding recommendation letter has been delayed. BPA has reviewed all contracts talking with many of the sponsors discussing the in lieu issues and working at the contract level in attempts to allow for more budget flexibility. If in lieu opportunities are identified, sponsors need to be willing to do cost-share.

ITEM 10: **CBFWA Response to BPA's In Lieu Process**

Discussion: BPA hoped to finalize its ratings in January. Tom Iverson advised that CBFWA will formulate a response once the BPA letter is received.

ITEM ADDED: **FPC Ninth Circuit Court Ruling**

Discussion: John Platt, CRITFC, phoned in to provide this update but was unable to stay on the line. Brian Lipscomb and Michele DeHart provided the update on the Court ruling referencing the summary on page 38 of the Case Opinion:

http://www.cbfga.org/Committees/MAG/meetings/2007_0125/CaseOpinionFromNinthCircuitCourt012407.pdf

The Court ordered BPA to continue its existing contractual arrangements to fund and support the Fish Passage Center. Michele DeHart stated that at this time, everything goes back to pre-Court; however, a good strategy may be to discuss how to avoid this in the future. NPCC has not made a recommendation for FPC contract funding for 07-09.

Brian stated that the Members should be briefed at the February meeting giving consideration to the 07-09 Process and how this should be addressed in the amendment process and all informed by parties in the remand process.

Michele suggested that CBFWA obtain a legal analysis or interpretation of how NPCC can change the program through the attorneys who argued the case.

Action:

- Dave Statler moved for the MAG to direct Brian Lipscomb to work with attorneys involved in anticipation of preparing a brief to the Members should the Members want to draft a letter to the NPCC on the 07/09 recommendations, Mark Bagdovitz seconded. No objections.

ITEM 7: **CBFWA Feedback on StreamNet Priorities in FY 07-09**

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/DMFS2007_0109SubcommitteeNotes.pdf

[http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/Table\(1\)StreamNet2007_0109.xls](http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/Table(1)StreamNet2007_0109.xls)

The Data Management Framework Subcommittee (DMFS) reported that FY 07 will be a transitional year for StreamNet. Tom Rien advised that StreamNet would continue under current SOW FY07 developing a set of priorities for data collection that will support the SOTR, and preparing an annual report of specific population characteristics.

The DMFS will meet again on Thursday, 2/1/07, and they encourage other participants. Phil Roger stated that they are not looking for restructuring of the contract but they are looking for more participation. They want to keep the working group small but with a broader membership promoting effective interaction between important parties.

Brian Lipscomb suggested that the DMFS craft a statement of purpose and bring it back to the MAG.

Concurrence: The DMFS will craft a statement of purpose containing the following components:

- 1) Purpose
- 2) Mission
- 3) Work Plan
- 4) Membership of Committee
- 5) Formulate long-term directional process

ITEM 8: Program Evaluation Process and Work Plan for CBFWA that will result in Recommendation to Amend the Program

Information Links:

AFAC flow chart:

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/FlowChartAmendmentAFACrevised.pdf

AFAC Work Plan:

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/AFAC-WorkPlan2007.doc

CBFWA Amendment Outline

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/AmendmentOutline2008FprogramAmendmentDraft.doc

Discussion:

Brian Lipscomb outlined via flip chart a strategy and plan for developing a comprehensive draft Fish and Wildlife Program Amendment recommendation to NPCC. This strategy will be presented to the Members at the February meeting with intent to gain Member approval.

The Power Act requires that the Fish and Wildlife Program must be open to amendments every five years, prior to the Council's review of its Power Plan. The last plan was adopted in 2004 so the next review must take place by 2009. Inclusive of public comment, the entire process takes about one year to complete so the formal process will probably occur during 2008. 2010 is the next round of program recommendations and that process will begin in 2009. BPA's rate case is set for 07-09 and discussions begin again in 2008, culminating in mid 2009.

The Fish and Wildlife managers hold a unique status within the Power Act for making recommendations to NPCC.

Joe Mentor, Jr., CBFWA's legal advisor, will attend the Members meeting to review the Northwest Power Act from the context of the fish and wildlife managers providing Program amendment recommendations to the Council.

Technical Committee's Review/Comment:

In the 12/19/06 MAG meeting, the MAG directed the technical committees to review the "Outline of Program Amendment Recommendations" and a "CBFWA Work Requirements/Schedule" and report back to the MAG. The RFAC, AFAC, and WAC provided their comments and update in today's meeting.

- RFAC:** RFAC Chair, Jim Uehara, WDFW, stated that he has been working with CBFWA since 1999. Jim reported that the RFAC met on 1/24/07 to begin the tasks assigned by the MAG. The RFAC reviewed the CBFWA outline of Program Amendment recommendations for 2008 and the draft CBFWA work plan.
- The RFAC meeting discussions centered on recovery, biological objectives, resident fish substitutions, ISAB white paper, best defenses and strategies, and new program language. The RFAC will use existing reports and outside elements to gather information.
- AFAC:** AFAC Chair, Doug Taki, SBT, and Dave Ward, CBFWA, provided the update:
- The AFAC used the CBFWA Amendment Outline as their starting point for their discussion.
- The SOTR should provide guidance for work on the program amendments, and products should be relevant to the SOTR project.
- The AFAC developed a draft framework for building provincial level-biological objectives as part of the Program Amendment process.
- The committee discussed the need to agree on a list of Anadromous fish populations to be used when setting objectives – some members expressed concerns about a draft list previously distributed.
- Dave Ward translated the committee framework into flow charts. The Committee members will review and comment on the flowcharts and population lists. In addition, they will review the Program Amendment outline previously distributed and complete tasks associated with confirming existing information.
- WAC:** WAC Coordinator, Ken MacDonald, CBFWA, advised that the WAC discussions have centered on Wildlife O&M and working with IEAB to develop new approach toward effective cost standard. The group feels that the O&M and M&E topics should be considered for inclusion in the amendment process. WAC will meet again in February.
- Phil Roger, CRITFC reported the ISAB is developing draft reports, which are scheduled to be out by spring, on climate changes and demographic impacts. These reports will affect the technical committees. Contact Phil if you have any questions.
- Action:** Committee Chairs will work with CBFWA Staff to finalize a presentation for the February Members' Meeting.
- ITEM 9: Coordination Issue as Element of Amendment Recommendation**
- Discussion:** Tom Iverson advised that CBFWA staff reviewed the Statement of Work and aligned work elements. They will take the list of work elements and look at FPC, StreamNet, CSMEP, consultation responsibilities, and define for the amendment process. CBFWA staff met with Molly Moreland and she is synthesizing the list of elements. The group will work on larger definitions with intent to define by late spring.
- ITEM 11: Wildlife O&M Issue Update on Presentation to NPCC**
- Discussion:** Tom Iverson advised that the WAC provided their presentation to NPCC regarding concerns about establishing benchmarks to determine basic costs of O&M for Wildlife. The WAC requested that the IEAB work with the WAC subcommittee to analyze and validate data. Roger Mann, IEAB, agreed to work with the WAC subcommittee. Relationships were established between the WAC subcommittee, Roger Mann, IEAB, and Terry Morlan, BPA.
- ITEM 12: Status of the Resource Report Distribution**
- Discussion:** The "2005 Status of the Resources Report" will be distributed to each Member at the Members' meeting and CBFWA staff will demonstrate the functions of the SOTR project website and discuss project deliverables and expectations for 2007 which include

incorporating a wildlife section, expanded fish data, potential fish and wildlife manager input to the Council's Annual Report to Congress, and potential use as the basis of Amendment recommendations by the fish and wildlife managers. Expanded distribution will include utilities.

Amy Langston, CBFWA, is working on the website with anticipated completion at the end of February 2007.

ITEM 14: Celilo Falls Inundation 50th Anniversary Update

Discussion: John Platt was not available to provide update. This agenda item was deferred till a later date.

ITEM 15: Discussion on Quagga Mussel Spread in the Colorado River Basin, and new concern about inoculation of the Snake/Columbia via the Owyhee

http://www.cbfwa.org/Committees/MAG/meetings/2007_0125/QuaggaMusselsPossibleIntroIntoColumbiaBasinDiscussionDoc.Jan2007.pdf

Discussion: Mark Bagdovitz advised that Quagga Mussels have been identified in the state hatchery at Lake Mead, NV and there is concern that the Quagga could be introduced into the Columbia by way of the Owyhee. Mark stated that he may have more information to offer at the February Members' meeting.

ITEM 16: CBFWA Technical Committee Updates

Technical Committee Updates were incorporated in Item 8 above.

ITEM 17: February 7-8, 2007 Winter Members Meeting Discussion

Approve February 7-8th Winter Members Meeting Draft Agenda.

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

Discussion: Additional topics suggested by the MAG: FPC Ninth Circuit Court Decision and USFWS Pacific Lamprey Update to be included with the USFWS Quagga Mussel Alert/Update.

Mark Bagdovitz expressed concern with the number of items on the agenda for a 1.5 day meeting. Lynn DuCharme suggested that Mark brief Ren Lohoefer, USFWS incoming Chair, of the need to expedite meeting items.

Tom Iverson reminded the MAG to remind their policy level representatives about the NPCC Fish and Wildlife Committee's presentation on day two of the meeting, February 8th from 1:00-3:00 pm.

Action: Due to lack of a quorum, action to approve the agenda was not taken. It was agreed that the agenda would be distributed with the addition of the FPC Court Decision and the Pacific Lamprey update. Any other revisions can occur upon initial Members' approval at the opening of the meeting on February 7th.

ITEM 18: CBFWA Office Move Update

Discussion: Brian Lipscomb was not available to provide the CBFWA office move update so this item was deferred to a later date.

ITEM 19: Next MAG Meeting

The next MAG meeting is scheduled for February 20, 2007 from 9:00am-12:00 at the CBFWA office. Does the MAG want to continue to meet on the third Tuesday of every month from 9:00-12:00?

Action: Due to a lack of a quorum, discussion and action relative to the 2007 MAG meeting schedule was deferred to the next MAG meeting scheduled for 2/20/07 from 9:00-12:00.

FYI: The Winter Members Meeting is scheduled for February 7-8, 2007 in Boise, ID at

the Harrison Plaza Suite Hotel, 409 S. Cole Rd, Boise ID 83709 PH: 800-376-3608.

- Day One Wed, 2/7/07 1:00-5:00 pm w/dinner & speaker from 5:30-7:30 pm
- Day Two Thurs, 2/8/07 8:00-3:00 pm w/lunch & speaker from 12:00-1:00 pm

The next NPCC meetings are scheduled for:

- February 13-15, 2007 in Portland OR
- March 13-15 in Boise ID

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