



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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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

Compact of the Upper Snake River Tribes

DATE: November 30, 2007  
TO: CBFWA Members Advisory Group (MAG)  
FROM: Mark Bagdovitz, USFWS and Brian Lipscomb, CBFWA  
SUBJECT: Final Action Notes from November 20, 2007 MAG Meeting

## MAG Teleconference Tuesday, November 20, 2007

@ Columbia Basin Fish and Wildlife Authority (CBFWA), Portland OR

The support material for the meeting is posted at  
<http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

### Final Action Notes

**Attendees:** Mark Bagdovitz, USFWS; Carl Scheeler, CTUIR; Michele DeHart, FPC; Mike Faler, USFWS; Nate Pamplin, WDFW; Brian Lipscomb, Jann Eckman, Kathie Titzler, Tom Iverson, Neil Ward, Pat Burgess, CBFWA

**By Phone:** Lawrence Schwabe, BPT; Dale W. Chess, Cd'AT; Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Paul Ward, YN; Sheri Sears, CTCR; Paul Kline, IDFG; Sue Ireland, KTOI; Tony Nigro, ODFW; Doug Taki, SBT

**Guest:** Joe Mentor, Mentor Law Group

**Time Allocation:**

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

### **ITEM 1: Introductions and Approval of Agenda**

Agenda items were reordered, Item #4 was dropped from the agenda, and an update on the Fish Passage Center Oversight Board (FPCOB) was added.

**Action:** The MAG approved the agenda with the stated modifications. No objections.

**Note:** *Additional items were reordered during the meeting. The agenda items are listed in the order discussed.*

### **ITEM 2: Executive Session**

*The discussion took place in a closed session.*

#### **Executive Session Action #1:**

The MAG moved to adopt alternative two discussed within the closed executive session recommending that CBFWA Members direct CBFWA's Executive Director to pursue a Memorandum of Agreement (MOA) for FY 2008 with Pacific States Marine Fisheries Commission (PSMFC) regarding the supervision of the Fish Passage Center (FPC) Manager. No objections.

#### **Executive Session Action #2:**

The MAG moved to recommend to the Members that they assign the MAG to pursue recommendations regarding the FPC in the Program amendment recommendation package.

#### **Action #2 Discussion:**

Mark Bagdovitz, U.S. Fish and Wildlife Service (USFWS), suggested that Michele DeHart, FPC, be relied on to work with the MAG in drafting the FPC amendment recommendations. No objections.

### **ADDED ITEM: Fish Passage Center Oversight Board (FPCOB) Update**

Brian Lipscomb advised that at the October 23<sup>rd</sup> MAG meeting, the MAG directed him to draft an email to the FPCOB Chair and Board members requesting that the

FPCOB chair provide clarification regarding verbal assignments given at the October FPCOB meeting. In the interim Bruce Measure communicated the FPCOB requests in writing and Brian followed up to further clarify the process that the FPC follows with regard to technical requests.

With regard to the smolt monitoring program, John Ferguson, National Oceanic and Atmospheric Administration (NOAA) Fisheries Science Center, responded that it may not be appropriate for the FPCOB to delve into the design of the smolt monitoring program. John stated that he was working with NOAA representative on the Fish Passage Advisory Committee (FPAC) to pursue the question further. It is anticipated that the FPCOB chair will provide a response regarding the FPCOB's involvement regarding the smolt monitoring issue.

**ITEM 3: Approve draft Action Notes from the October 23, 2007 MAG Meeting as final.**

**Action:** The MAG moved to accept the October 23, 2007 action notes as final. No objections.

**ITEM 4: Review Draft CBFWA Letter Requesting Northwest Power and Conservation Council's (NPCC) Support for Alternative Habitat Assessment Protocols**

This item was dropped from the agenda. Nate Pamplin, Washington Department of Fish and Wildlife (WDFW) advised that Wildlife Advisory Committee (WAC) member, Michael Pope, Oregon Department of Fish and Wildlife (ODFW), would redraft the letter. Upon WAC review the letter may return for MAG consideration.

**ITEM 6: Regional Coordination**

**Distributed Funding Model – Upper Columbia United Tribes (UCUT)**

At the October 23<sup>rd</sup> meeting, the MAG discussed the UCUT's request to the NPCC suggesting that a distributed funding model be explored prior to a decision made on the FY 08-09 coordination funding. (Review UCUT Letter to NPCC regarding Distributed Funding Model discussed at 10/23 MAG meeting:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1023/RegionalCoordinationLtrsFromUCUT\\_KalispelTribeToNPCC101707.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/RegionalCoordinationLtrsFromUCUT_KalispelTribeToNPCC101707.pdf).)

Brian Lipscomb summarized the MAG's October 23<sup>rd</sup> direction and provided an update (see memo to the MAG containing CBFWA staff's interpretation of what the Kalispel Tribe has verbally proposed:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1120/DistributedFundingModelMemo112007.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2007_1120/DistributedFundingModelMemo112007.pdf)). To date, nothing has been submitted in writing by the Kalispel's or UCUT's;

however, the concept they propose has achieved wide discussion at this point.

Brian suggested that the MAG recommend the Members exercise their authority pursuant to the Power Act and make their own recommendation to the NPCC.

**Action:** The MAG moved to recommend to the Members to submit the CBFWA budget for coordination to the NPCC at their December meeting.

**Motion Discussion:** Brian Lipscomb suggested that the may want to consider directing CBFWA staff to develop a letter from the CBFWA Members to the NPCC transmitting their recommendation and providing comments on the concept of the distributed funding model being proposed by the UCUT's. The recommendation letter would need to go out to all Members for review by the Members' policy representatives.

The MAG held a lengthy discussion regarding how to address the distributed funding alternative raised by the UCUT's. The MAG concluded with agreeing to have CBFWA staff draft a letter stating that the CBFWA Members understand the alternate funding model presented to the NPCC and believe that the CBFWA proposal is consistent with that model.

It was agreed that CBFWA staff will draft the letter and send it electronically to the MAG for comment with comments requested by COB December 3<sup>rd</sup>. The final draft will be presented to the Members at their December 5<sup>th</sup> teleconference.

No objections.

**Distributed Services Model – Confederated Tribes of the Colville Reservation (CTCR)**

As directed by the MAG in the October 23<sup>rd</sup> meeting, CBFWA staff along with a MAG subcommittee consisting of Bill Towey, CTCR, Mark Bagdovitz, USFWS, Brian Marotz, Montana Department of Fish, Wildlife and Parks (MDFWP), Lynn DuCharme, Confederated Salish and Kootenai Tribes (CSKT), Dale Chess, Coeur d’Alene Tribe (Cd’AT) and Tim Dykstra, Shoshone Paiute Tribes (SPT), completed a feasibility study for MAG review. This study was completed in response to the request from the CTCR to Brian Lipscomb in their letter dated October 11, 2007:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1023/RegionalCoordinationCBFWAworkPlanLtrFromColvilleTribe\\_UCUT\\_101107.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/RegionalCoordinationCBFWAworkPlanLtrFromColvilleTribe_UCUT_101107.pdf).

Tom Iverson reviewed the feasibility study alternatives:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1120/DRAFTDistributedServices111607.doc](http://www.cbfwa.org/Committees/MAG/meetings/2007_1120/DRAFTDistributedServices111607.doc).

The MAG discussed “A” as being the most practical and least costly alternative.

**Action:**

The MAG moved to recommend to Members that they revise the FY 08-09 proposal to increase staff travel budget by 20K to accommodate staff to consult with individual CBFWA members via visits on an as needed basis.

**Motion Discussion:**

Dale Chess requested that the motion be restated for clarity. Tony Nigro, ODFW, restated the motion adding: 20K instead of 30K, the available dollars to stay within last year’s budget, for the expressed purpose to improve outreach and education in tribal coordination. The action does not preclude the Members revisiting the issue if the action does not prove to satisfy needs.

Dale Chess asked if alternative “A” is agreed on today, would the other alternatives be taken off the table. Brian confirmed that the Members would have full consideration of all alternatives when the recommendation is made on December 5<sup>th</sup>. With that understanding, Dale stated comfort with agreeing to move forward on alternative “A.”

Brian Lipscomb added that in a discussion last week with Bill Towey, CTCR, Bill stated that he was comfortable with alternative “A” as a first step approach to address the CTCR’s concerns. Sheri Sears, CTCR, concurred.

Brian Lipscomb advised that CBFWA staff will put together a letter for Members consideration on December 5<sup>th</sup> to the NPCC that reflects a budget that is the same as funding requested in FY07 with the intent to increase staff travel to accommodate further outreach to CBFWA Members. No objections.

**ITEM 10:**

**Confederated Tribe of the Umatilla Indian Reservation (CTUIR) Funding Request**

At the October 23<sup>rd</sup> MAG meeting, Kathie Titzler, CBFWA, presented a 10K FY07 budget increase request for CTUIR. Kathie advised that queries sent to Members and MAG requesting that Members review their budgets and reallocate available funds to CTUIR did not prompt any responses. As a result, the MAG was unable to take action on the CTUIR request on October 23<sup>rd</sup> and instead suggested that Members review their budgets and communicate to Kathie in writing if they are willing to reallocate funds for the CTUIR. Kathie advised that she has not received a response relative to the MAG’s suggested direction.

The MAG concluded suggesting that Kathie will make direct contact with Members who are not participating or have not billed for reimbursement to request consideration of reallocating funds to the CTUIR. If funds are not identified, Brian Lipscomb added that the request will return to the MAG for consideration toward a Budget Oversight Group’s (BOG) adjustment to the CBFWA project.

Kathie suggested that next year, the Members may want to consider reinstating the

reserve account.

**ITEM 7: Bonneville Power Administration (BPA) WP-07 Rate Case Proceedings**

Brian Lipscomb advised that the Members took action last week at a special Members teleconference to communicate to BPA and NPCC that the CBFWA Members identified critical projects and requested assurance that BPA and NPCC would work with CBFWA to ensure funding to meet those critical needs. Review final letter sent to BPA and NPCC:

[http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/CBFWA%20tr\\_BPA-NPCC\\_WP07RateProceedings112107Final-Encl.pdf](http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/CBFWA%20tr_BPA-NPCC_WP07RateProceedings112107Final-Encl.pdf).

**ITEM 12: Program Amendment Development Update**

Brian Lipscomb stated that draft amendments are on track for review by the Members by December 31. If required, Brian advised that a request for an extension would need to go before the NPCC at their December meeting.

Tom Iverson added that CBFWA has made a big commitment toward modifying the current F&W Program while still maintaining the existing structure of the Program. Tom referenced a memo to the MAG in which CBFWA staff worked up some general content ideas:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1120/ProgramAmendmentRecMemo\\_Outline\\_101907.doc](http://www.cbfwa.org/Committees/MAG/meetings/2007_1120/ProgramAmendmentRecMemo_Outline_101907.doc).

Tom stated that the Resident Fish Advisory Committee (RFAC) and Anadromous Fish Advisory Committee (AFAC) are both working toward building the subbasin scale information. With regard to mainstem, Brian referenced the action taken by the MAG at the beginning of the meeting to request that the Members assign the MAG to pursue recommendations regarding the FPC in the Program Amendment recommendation package.

Tom added that the Programmatic section will require a comprehensive rewrite to update it to include explicit language about an adaptive management framework.

**Action:** The MAG moved to assign the RFAC and the AFAC to review the 2000 Program and begin working on the Volume I Programmatic Language.

**Motion Discussion:** There was confusion stated as to whether or not this was previously assigned to the technical committees. Neil Ward, RFAC, advised that was not an original directive from the MAG or Members and as a result, the RFAC has not started the exercise.

Brian Lipscomb stated that completion of this work will require a commitment from Members' to provide staff time to stay within the current timeline. Brian suggested for consideration that the direction to the technical committees be focused on the areas agreed upon by the Members.

**Motion Amended:** The MAG modified the motion to state that where there has been clear Members' agreement toward specific modifications, as expressed by the Members in their feedback to the technical committees, the technical committees should pursue articulation of that modification in the form of a red-line mark-up of the Program.

With regard to the RFAC, they have direction with regard to the template and biological objectives so they can proceed with that but the overall issue of assessing the effects of the hydropower system has not been completely agreed to and is pending further discussion.

**Amended Motion Discussion:** Lawrence Schwabe stated that the resident fish substitution policy is very vague and he feels that the RFAC needs to review that policy. Brian Lipscomb advised that the RFAC has been directed to bring forth recommendations to address the substitution issue but the RFAC is not ready to provide a recommendation. At this point, the RFAC could review the policy but not provide a final red-line mark-up.

No objections.

**Action:** The MAG moved to direct CBFWA staff to begin developing actual language to be submitted as amendments to the Program obtaining input from MAG members between now and the December 18<sup>th</sup> MAG meeting. The process of proceeding will be left up to staff discretion. No objections.

Mark Bagdovitz added that he has submitted information to the committee chairs with regard to a reintroduction of anadromous fish above blocked areas. Mark stated that this is part of the existing program that will need to be re-emphasized in the next Program. Mark encouraged other Members to review the Program to highlight any other measures that are currently in the Program but need to be re-emphasized in the future.

**ITEM 5: Resident Fish Loss Assessment**

Mike Faler, RFAC Chair, provided an update on the committee's activity stating that the RFAC has distributed the amendment templates to the resident fish managers with the expectation of completion by December 31<sup>st</sup>. With regard to loss assessments, the RFAC are looking at habitat loss, or losses due to inundation and construction of the dams, and operational losses. The RFAC reviewed the methods that were used by MDFWP for Libby and Hungry Horse as a starting point for their discussions, effecting modifications to do an initial test on a procedure for the habitat inundation losses. Mike advised that the RFAC has had difficulty in reaching agreement on this particular application and would appreciate some direction from the MAG.

Mike stated that the RFAC began discussions on operational losses at the last meeting but it appears that aspect of the process is going to be extremely complex and is unlikely that the RFAC will have a methodology developed by December 31<sup>st</sup>; however, they anticipate submitting conceptual language covering operational losses.

Sheri Sears provided a PowerPoint presentation demonstrating how RFAC's draft resident fish habitat loss procedure could be used to identify the amount of resident fish habitat lost due to inundation. Operational losses were not addressed in this example. View presentation:

[http://www.cbfwa.org/Committees/MAG/meetings/2007\\_1120/RFACHabitatLossAssessPresentation112007.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2007_1120/RFACHabitatLossAssessPresentation112007.pdf)

Following the presentation, Neil Ward, CBFWA, indicated that the proposed procedure has not been approved at this time due to numerous concerns. Neil suggested that one possible approach to reach consensus was to develop a suite of approaches from which managers could select the procedure that best fits their needs. Neil indicated that the RFAC would continue to pursue achieving consensus on a procedure that would be submitted during the amendment process. The RFAC is expected to provide a progress report during the MAG's December 2008 meeting.

**ITEM 8: Collaborative Systemwide Monitoring & Evaluation Project (CSMEP) Funding Request Update**

At the October 23<sup>rd</sup> meeting, the MAG moved to direct Brian Lipscomb and Ken MacDonald to arrange a meeting with Bill Maslen, BPA, and interested CBFWA Members familiar with the CSMEP project, to discuss the current status and determine a reasonable path forward. Brian advised that the initial meeting has taken place and another meeting is arranged at the CBFWA office for November 29<sup>th</sup> to step through work tasks that inform the BiOp.

**ITEM 9: November 13-14, 2007 NPCC Meeting Update**

Brian Lipscomb provided a quick update advising that the Coordination definitions document was presented and Ken MacDonald gave a presentation on the wildlife strategies with regard to program amendments. In addition, the Independent Economic Analysis Board (IEAB) provided two presentations that may warrant

response by the WAC 1) Investigation of Wildlife O&M Costs and 2) Continuing Investigation of Alternative Strategies for Habitat Acquisition. The panel discussion of the draft Biological Opinion by NOAA and the Federal action agencies encompassed a good portion of the meeting.

**ITEM 11: NPCC Science Policy Exchange Summary Response**

Tom Iverson has reviewed the summary provided by the facilitator, Rick Williams, and the overall assessment is that Rick did a good objective job of writing up the conference. The MAG will invite Rick Williams to the December MAG meeting to provide a presentation. See NPCC link to the summary:  
<http://www.nwcouncil.org/fw/program/2008amend/spe/agenda.htm>

**FYI: Upcoming Meetings**

- The MAG agreed to expand the December meeting as a final Amendment Workshop and MAG meeting to be held on Tuesday, December 18<sup>th</sup> and Wednesday, December 19<sup>th</sup> in Portland at the CBFWA office. MAG members are encouraged to attend in person.
- The next Members' meeting is scheduled for Wednesday, December 5, 2007 in Portland OR. The Members winter meeting is scheduled for January 17-18, 2007 in Vancouver, WA, with details forthcoming.
- The next NPCC meeting is scheduled for December 11-12, 2007 in Portland Oregon.

***Meeting Adjourned.***