



# 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: June 19, 2008  
TO: Members Advisory Group  
FROM: Brian Lipscomb, CBFWA  
SUBJECT: Final Action Notes for the June 17, 2008 MAG Meeting

### Members Advisory Group (MAG) Tuesday, June 17, 2008 Via Webex (CBFWA Office, Portland OR) 9:00 a.m. – 12:30 p.m. PST

Support material and WebEx links are posted at [http://www.cbfwa.org/committee\\_mag.cfm](http://www.cbfwa.org/committee_mag.cfm)

#### Final Action Notes

**Attendees:** Jann Eckman, Tom Iverson, Ken MacDonald, Binh Quan, Dave Ward, Patricia Burgess, CBFWA

**By Phone/WebEx:** Brian Marotz, MFWP; Dave Statler, NPT; Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Doug Taki, SBT; Nate Pamplin, WDFW; Lawrence Schwabe, BPT

**Time Allocation:**

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

**ITEM 1: Introductions and Approve Agenda**

Tom Iverson, CBFWA, requested an addition to the agenda to provide an update on the Budget Oversight Group (BOG) process.

**Action:** The MAG approved the agenda with the addition of a BOG process update. No objections.

**ITEM 2: May 20, 2008 MAG Draft Action Notes as Final.**

**Action:** The MAG approved the May 20, 2008 draft action notes as final. No objections.

**ITEM 3: Antimycin**

At the May 20<sup>th</sup> MAG meeting, Chairman Marotz, MFWP, raised concerns regarding the availability, toxicity, and relicensing of the piscicide Antimycin stating that Antimycin is currently only made by once source. Future availability is tenuous as the producer is considering stopping production. Chairman Marotz stated that Antimycin is an important tool in fisheries management, for anadromous and resident, nationally and internationally, with properties that can surpass the effectiveness of Rotenone under certain conditions (e.g. stream and spring source applications, natural detoxification by gradient/turbulence). Chairman Marotz advised that Antimycin must go through the FDA re-registration process, which is expensive and complicated.

The MAG directed CBFWA staff to draft a letter, with the assistance of Chairman Marotz, to the state American Fisheries Society (AFS) chapters requesting that they raise the issue of the availability, toxicity, and relicensing of the piscicide Antimycin with the national AFS.

Chairman Marotz presented a letter for the MAG's consideration and requested that MAG members review the letter and provide follow-up edits either to him directly or to CBFWA staff. Review the draft letter at:

[http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/CBFWAtoAFSreFintrolAntim](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/CBFWAtoAFSreFintrolAntim)

[ycinDraft2008\\_0616.doc](#)

Dave Ward, CBFWA, suggested that the letter be directed to the Western Division AFS president for review by the executive committee. All the chapter presidents participate in the monthly Western Division AFS teleconference so they could in turn send it down to each of their chapters.

**Action:** The MAG directed that Chairman Marotz and CBFWA staff finalize the letter to send to Western Division AFS president to have the executive committee forward it to the various AFS state chapters for further recommendation to the national AFS.

**Motion Discussion:** Dave Statler, NPT, requested restatement and clarification of the motion. After a brief discussion regarding process, the motion was restated.

**Amended Motion:** MAG representatives will review the letter and forward suggested edits to CBFWA staff and then the letter will be forwarded to the Members for their review and approval.

It was agreed that if the letter receives significant changes from MAG members, then CBFWA staff will forward it to the MAG for an additional review. If changes received are not significant, then the letter will be forwarded to the Members for review and approval at the June 25-26<sup>th</sup> meeting.

No objections.

**ITEM 4: RM&E Framework Development Update**

Tom Iverson recapped that in the CBFWA Program amendment recommendations to the Northwest Power and Conservation Council (Council), CBFWA proposed an RM&E framework. Over the last couple months, the Council has been developing High-Level Indicators (HLI) for their reports to Congress and the Northwest Governors. The Council adopted the HLI's and released them for public comment. Review the Council's call for comment and the attached presentation that was provided by Tom Karier at the June Council meeting:

[http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/NPCCletter\\_from\\_SCrow\\_to\\_I ntParties\\_RE-Comments%20on%20High-Level%20Indicators%20\(HLI\).pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/NPCCletter_from_SCrow_to_I ntParties_RE-Comments%20on%20High-Level%20Indicators%20(HLI).pdf).

Tom advised that this presents a great opportunity for CBFWA to connect the HLI's within the reports to the Status of the Resource (SOTR) report as well as to CBFWA's proposed RM&E plan. Tom stated that a Collaborative Systemwide Monitoring and Evaluation Project (CSMEP) work team has been providing feedback on the HLI's to Council member Tom Karier. Ken MacDonald, CBFWA, added that this is a CBFWA product but the CSMEP steering committee has facilitated the process.

CBFWA staff recommends that the MAG direct the CSMEP work group to develop a formal response to the Council's call for public comment on the HLI's. The response would be presented to the Members at the June 25-26<sup>th</sup> meeting with intent to respond to the Council's call for comment by July 11<sup>th</sup>.

Tom Iverson briefly reviewed a memo prepared by CBFWA staff and an attachment containing the most current organization of the HLI's within geographic scales: [http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/Memo\\_from\\_CBFWAstaff\\_to\\_MAG\\_Re-%20HLI\\_comments.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/Memo_from_CBFWAstaff_to_MAG_Re-%20HLI_comments.pdf).

**Action:** The MAG directed that CBFWA staff work with CSMEP to develop a draft letter and presentation on HLI's and RM&E framework and have the drafts available by Friday (June 20<sup>th</sup>) for review by the Members at the June 25-26<sup>th</sup> meeting.

**Amended Motion:** Dave Statler, NPT, requested that the motion be modified to include the ultimate objective, i.e., to forward CBFWA comments to the Council by date certain (July 11<sup>th</sup>). No objections.

**ITEM 5: Wildlife Categorical Review Summary of Schedule and Process Update**

Ken MacDonald advised that the Wildlife Advisory Committee (WAC) met recently with Council staff to collaborate on the wildlife project review for ongoing wildlife

projects under FY 2009 funding. Ken advised that the WAC is waiting for a white paper that Council staff is to provide outlining the review process and review questions from the Independent Scientific Review Panel (ISRP). Once that is received, the WAC will provide feedback to the Council.

Ken stated that it appears that there is a lack of consensus among the Council staff and Council members as to what the review process will entail and what the exact purposes are. One question that arose was whether this review should be in the context of the current Program or an amended Program. The response was that it is in the current Program with consideration of what is being provided through the amendment recommendations and related comments. If the review is within the current Program then it should be setup to identify what is working, what is not working, what the evidence is that it is/is not working, and what needs to be fixed. Ken stated that a lot of the work has already been done by the WAC through the preparation and development of the amendment recommendations.

The next WAC meeting is July 23-24<sup>th</sup> at which time the WAC anticipates having the process nearly finalized so the review can begin; however, the next step depends on the timing of the receipt of the Council's white paper.

Tom Iverson stated that the wildlife reviews and project recommendations need to be completed by June 2009 in order to feed the FY 2010 budget. By that time, the RM&E reviews should be completed for the FY 2010 budget along with the first set of geographic reviews. Tom added that the geographic reviews will be spread out. Bonneville Power Administration (BPA) has agreed to provide bridge funding through the completion of the reviews.

Dave Statler requested that as CBFWA staff receives detailed information, specifically relative to the sequencing of the geographical reviews, to be sure to pass that information on to CBFWA Members.

#### **ITEM 6:**

#### **Comments on 2008 Program Amendment Recommendations Update**

CBFWA comments on the Program recommendations were submitted on June 12, 2008 to the Council. Included with the transmission letter were specific comments on resident fish and wildlife issues and a condensed version of the Resident Fish Section 4 amendment recommendation.

In addition to the submittal of the comments, a presentation, approved by the Members on June 9<sup>th</sup>, was provided by CBFWA staff at the June Council meeting: [http://www.cbfgwa.org/Committees/MAG/meetings/2008\\_0617/MembActionsNPCCSpokaneJune2008Final.ppt](http://www.cbfgwa.org/Committees/MAG/meetings/2008_0617/MembActionsNPCCSpokaneJune2008Final.ppt)

Tom Iverson advised that the Council will accept comments through the summer but comments received after June 12<sup>th</sup> may or may not be considered as the Council develops the draft amended Program.

Tom stated that there is concern by some of the Tribes that BPA did not seek consultation on the comments that they submitted on the Council's Program. This may present a violation of BPA's federal trust responsibility because the BPA comments conflict with many of the Tribes' recommendations. Tom added that CBFWA staff anticipates that this discussion will come up at the June 25-26<sup>th</sup> Members meeting.

Dave Statler reported that upon reviewing the amendment comments on the Council website, it appears that the method of posting of comments is not consistent, e.g. if the public was interested in comments received on BPA's recommendations (to date), it appears that no comments had been received despite the submission of CBFWA's comments which were greatly directed at BPA's recommendations. Tom Iverson stated that he would contact the Council staff and discuss the concern.

#### **ITEM 7:**

#### **BPA Rate Cases for FY 2009 Update and FY 2010-2011 Update**

As previously communicated, BPA currently has two rate cases open for discussion: the FY 2009 supplemental rate case to modify the FY 2007-09 rate period, and the

FY 2010-11 rate case. Several meetings have taken place with BPA proposing fish and wildlife costs for FY 2009 and FY 2010-11. The FY 2009 rate period public comments are due June 19th and the FY 2010-11 comments are due August 15<sup>th</sup>.

Tom Iverson reviewed a summary that was prepared for the June 4<sup>th</sup> Members meeting that provides an analysis and summary of BPA's presentation of their proposed costs, a staff analysis of proposed FY 2009 costs, and additional information about river operations, the balancing of funding, wildlife funding, and the Golden Northwest case. Review memo for detailed information: [http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/Memo\\_from\\_CBFWAstaff\\_to\\_MembersRE-BPArateCaseSummary2008\\_0604.doc](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/Memo_from_CBFWAstaff_to_MembersRE-BPArateCaseSummary2008_0604.doc). Additional information learned since the memo was written is that the Corp of Engineers is adding approximately 2M into their budget for the Willamette BiOp (that is due this summer). BPA has increased their budget significantly to cover the FCRPS BiOp but there's no additional funding or placeholder identified for the Willamette BiOp. Tom suggested that CBFWA may want to approach the subject with BPA.

CBFWA staff prepared a draft letter to BPA regarding FY 2009 budget for MAG review and consideration to the Members:

[http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/CBFWA\\_Letter\\_to\\_BPA\\_RE\\_FY09Comments2008June.doc](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/CBFWA_Letter_to_BPA_RE_FY09Comments2008June.doc).

Tom recalled that for FY 2010-11, the MAG directed CBFWA staff to begin the process of developing ten year work plans. That task is still in the analysis phase by CBFWA staff.

**Action:** The MAG moved to not proceed with comments from CBFWA to BPA on FY 2009 given the short timeline (i.e., comments due June 19th) and the lack of MAG members participating in today's meeting. The draft letter is useful for Members review of the information and use of the text as needed to submit individual comments by June 19<sup>th</sup>. The MAG recommended that the Members direct their efforts toward FY 2010-11 and the long-term implementation plans.

**Motion Discussion:** Tom Iverson suggested that it would be beneficial for Members to individually submit comments that BPA has all the necessary information to evaluate and give consideration to the critical and essential projects through the correspondence submitted by CBFWA in November 2007.

Dave Statler suggested that in order to get full consensus from the Members, CBFWA staff should concentrate on what the tenor of the August comments would entail and begin that discussion at the Members level. This would be more effective at discovering the boundaries of the individual members given the new paradigms, and it would make the best use of the time and efforts of the policy folks.

Tom Rien, stated that he expects for ODFW to submit a comment letter that may emphasize points discussed by CBFWA staff. Nate Pamplin stated that WDFW is planning on submitting comments for the FY09 rate case but they are still considering whether or not to submit individual project lists or a high level overview as outlined today.

The motion passed without objection.

Tom Iverson stated that CBFWA staff will direct their efforts on the FY 2010-11 rate period by developing explicit work plans and appropriate budgets with the intent to develop something that the full CBFWA membership can endorse, based on our amendment recommendations.

**Added Item:** **Budget Oversight Group (BOG) Process Changes**

Tom Iverson reviewed the BOG process changes with the MAG and provided a memo summarizing the changes:

[http://www.cbfwa.org/Committees/MAG/meetings/2008\\_0617/Memo\\_from\\_CBFWAstaff\\_to\\_MAG\\_BOGupdate.doc](http://www.cbfwa.org/Committees/MAG/meetings/2008_0617/Memo_from_CBFWAstaff_to_MAG_BOGupdate.doc).

In addition to the information contained within the memo, Tom stated that CBFWA's

role in the BOG process is changing by providing additional information through connecting the budget modification requests to the SOTR report. When a project sponsor submits a request, a subbasin page from the SOTR report will be attached showing what other projects are being funded within that basin, what the biological objectives are, and what the primary limiting factors are, providing a more fully informed review of the contract modification. The question for the membership of CBFWA is what role the Members want CBFWA staff to continue to play in the BOG process.

**ITEM 8: July 15<sup>th</sup> MAG Meeting Update**

This MAG meeting will take place on July 15<sup>th</sup> in Kalispell, MT and will overlap with the July Council meeting also taking place in Kalispell. It was agreed that it would be advantageous to use the same accommodations as the Council, if possible. Additional details will be forthcoming.

Dave Statler requested that agenda items be identified for the upcoming meeting as soon as possible so MAG members can determine the need and value to attend in person and for staff to consider items on the Council agenda as well. Chairman Marotz stated that it is hoped that MAG members will want to attend in person given the limited face-to-face meetings scheduled.

Chairman Marotz will work with CBFWA staff on the agenda and the meeting plans. Suggested agenda items should be forwarded to Brian Marotz and/or CBFWA staff.

**Added Item: Summer Members Meeting June 25-26<sup>th</sup> Agenda Review**

Tom Iverson reviewed the Members June 25-26<sup>th</sup> meeting agenda, at the request of Elizabeth Gaar, NOAA.

At the request of Chairman Marotz, with regard to the WebEx discussion on the 26<sup>th</sup>, Tom stated that CBFWA staff will provide a summary of the impacts of using WebEx for meetings.

Dave Statler requested that the discussion with Greg Delwiche be moved to the first item of the day on the 26<sup>th</sup>. CBFWA staff will check with Greg Delwiche to see if his schedule will accommodate the change.

**Update:** An updated agenda (version 2) was emailed to Member on June 17<sup>th</sup>. Please view the latest Members June 25-26<sup>th</sup> agenda on the Members webpage at: [http://www.cbfwa.org/committee\\_main.cfm](http://www.cbfwa.org/committee_main.cfm).

**Upcoming Meetings:**

- Summer Members Meeting: June 25-26, 2008 in Warm Springs, OR
- July Members Teleconference: July 2, 2008 1:00-4:00 p.m. in Portland, OR (via WebEx)
- July MAG (face-face) meeting: July 15, 2008 in Kalispell, MT
- The next Northwest Power and Conservation Council Meeting is scheduled for July 14-16, 2008 in Kalispell, MT

*Meeting adjourned.*