



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

851 SW Sixth Avenue, Suite 300 | Pacific First Building | Portland, OR 97204-1339
Phone: 503-229-0191 | Fax: 503-229-0443 | Website: www.cbfwa.org

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: October 17, 2008
TO: Members Advisory Group (MAG)
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the October 7-8, 2008 MAG Workshop

Members Advisory Group Two-Day Workshop @ CBFWA Office, Portland OR Tuesday, October 7, 2008 10:00am-5:00pm Wednesday, October 8, 2008 8:00am-12:00pm

Meeting support material is posted at http://www.cbfwa.org/committee_mag.cfm

Final Action Notes

At the October 1, 2008 teleconference, the Members directed the MAG to adjust their meeting schedule and meet on October 7-8, 2008 to review the CBFWA/Council staff analysis/assessment and formulate comments to the Council based on that analysis for Members consideration.

Day One – Tuesday, October 7, 2008

Attendees: Brian Marotz, MFWP; Dave Statler, NPT; Karl Weist, NPCC; Doug Taki, SBT; Mark Bagdovitz, USFWS; Mike Faler, USFWS; Nate Pamplin, WDFW; Tony Grover, Patty O'Toole, John Shurts, NPCC; Tom Rien, ODFW; Elizabeth Gaar, NOAA Fisheries (p.m.); Tony Grover, Patty O'Toole, John Shurts, NPCC; Tom Rien, ODFW; Brian Lipscomb, Jann Eckman, Tom Iverson, Dave Ward, Neil Ward, Ken MacDonald, Patricia Burgess, CBFWA

Phone/WebEx: Elizabeth Gaar, NOAA Fisheries (a.m.); Tom Rien, ODFW; Lynn DuCharme, CSKT; Carl Scheeler, CTUIR; Carol Perugini, SPT; Kyle R. Prior, USRT;

Time Allocation:

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

ITEM 1: Introductions and Approve Agenda

Action: The agenda was accepted as presented.

Note: Throughout the MAG discussions and on some of the documents the terms Long Term Work Plans (LTWP) and Multi Year Implementation Plans (MYIP) were at times used interchangeably.

Agenda items are listed in the order discussed.

ITEM 2: Review outcomes from September 26, 2008 Consultation Meeting with Council and Bonneville and Proposal from Tony Grover to Meet with the MAG to Clarify the Intent of the Draft Amended Program

Brian Lipscomb advised that the September 26th consultation meeting was well attended by the Members. Brian stated that Chairman Peterman began the discussion by referring to the request for consultation sent in August 2008 and communicating that after the request for consultation as initiated, the Council released the draft Program for comment and upon initial analysis, the Program appears conceptually different than what the Members envisioned when the recommendations were submitted. (Request for consultation:

http://www.cbfwa.org/Committees/Members/meetings/2008_0806/FinalLetter&Attachment_L.Pete

[rman to MssrsDelwicheBooth ReqforConsult2008_0807.pdf](#).

Chairman Peterman communicated to Council Chair Bill Booth that the Members needed to get a firm grasp of the concept of the Council's draft Program to determine whether or not it is adequate and effective at developing and implementing LTWPs and that it provides the accountability that is expected. After some discussion, the Council agreed to meet with CBFWA staff and available MAG members to review the analysis and confirm if the recommendations contained within the table were accurately portrayed.

In follow-up, at the October 1st Members meeting, a letter (w/draft Program analysis by CBFWA staff attached) was initiated to Messrs Booth and Delwiche in follow-up of the consultation meeting:
[http://www.cbfwa.org/Committees/MAG/meetings/2008_1007/ConsultFollowUpfromLPeterman\(CBFWA\)toMessrsBoothDelwiche2008_1002Final.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_1007/ConsultFollowUpfromLPeterman(CBFWA)toMessrsBoothDelwiche2008_1002Final.pdf).

Brian Lipscomb advised that Tony Grover met with CBFWA staff prior to the start of today's MAG meeting. Brian stated that he communicated to Tony that the Members needed to have their questions answered before any solutions could be proposed. Tony Grover stated that reviewing the analysis was not a good use of his or his staffs' time. At the close of the morning meeting, Tony Grover agreed to speak with the MAG to clarify key areas of misunderstanding and start exploring resolutions. Brian advised that the five key topics of discussion are: 1) measures, 2) long term work plans, 3) subbasin summary tables, 4) M&E, and 5) biological objectives. Brian stated that the bulk of the conversation with Tony Grover centered on measures and subbasin summary tables.

In conversations outside of the morning meeting, Brian advised that the Council has identified LTWPs as the element needed to move from a measure to a project (i.e., the project is the funding obligation of BPA). The gap to go from measures to projects is through the development of long-term work plans (LTWP). The Council has acknowledged that they need to figure out where to put the measures into the Program and how they will be articulated.

Brian stated that it appears that the intent of the Council's language on page 106 is that all of the measures recommended by the agencies and Tribes for habitat and hatchery actions are included in the Program; however, that is not how it reads.

Brian communicated that the subbasin summaries submitted by CBFWA Members are not in the Program. The Council intends to vet the subbasin summaries across the region with the individual subbasin groups and stakeholders. The subbasin summaries would be put into the Program if they are recommended as an update to the subbasin plans by the subbasin teams.

Brian encouraged the MAG to discuss M&E with Tony and express the consensus process that the Members completed in the amendment recommendation submittal to overcome and resolve the BiOp versus other individual M&E perspectives. Lastly, clarification is needed between mitigation objectives and the biological objectives to meet the mitigation objectives, and how to more explicitly articulate those in all arenas of anadromous and resident fish and wildlife.

ITEM 3: Develop Recommended Definition of the Elements of a Long-Term Work Plan (LTWP)

This was covered under Item 5 on day two.

ITEM 4: Meet with Tony Grover to Clarify Questions Relative to the NPCC's Draft Fish and Wildlife Program

Council Fish and Wildlife Division Director Tony Grover met with the MAG and reiterated what Brian Lipscomb reported earlier that he or Council staff did not have time to review issues other than those of prioritized fashion unless time presents itself after that exercise. Tony's statement prompted discussion regarding what was agreed by the Council and what the Members directed the MAG to accomplish. To try to move forward, Chairman Marotz recommended, and Tony agreed, that they begin the

discussion with the five areas of clarification (measures, long term work plans, subbasin summary tables, M&E, and biological objectives) and if there is something on the analysis that fits within those five areas, it will be discussed in that context.

Throughout the discussion with Tony Grover, MAG members attempted to come to an understanding of what the Council has put into the Program. During the discussion with Tony, Brian Lipscomb captured discussion points on the white board (see page 1 & 2 of link below) and Liz Gaar, NOAA, captured the process Tony was conveying (see page 3 of link below). After Tony Grover left the meeting, using Liz Gaar's outline, Tom Iverson verbally summarized the steps forward as follows: 1) organize measures, 2) develop framework for LTWP, and 3) comment on the process and schedule for updating the subbasin plans. In addition, Brian Lipscomb summarized on the white board, the initial essential elements of the LTWPs that were gleaned by Chairman Marotz in the morning discussion and refined by the group (see page 4 of the link below). MAG October 7th Interactive White Board Images: http://www.cbfwa.org/Committees/MAG/meetings/2008_1007/MAGInteractiveWhiteBoardImages_2008_1007.pdf. In conclusion, Brian Lipscomb stated that CBFWA staff will take the information from today's discussion and organize it for MAG's consideration and discussion at Wednesday's morning session.

ITEM 5: Assess Program for Adequacy to Develop Long-Term Work Plans (LTWP) and Incorporation of the Agencies and Tribes Recommendations

This item was covered at the start of day two.

ITEM 6: Recommendation for Agency and Tribal Participation in the Development of Long-Term Work Plans

This was discussed at the end of day two.

Day One Adjourned.

Day Two – Wednesday, October 8, 2008

Attendees: Brian Marotz, MFWP; Dave Statler, NPT; Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Doug Taki, SBT; Mike Faler, USFWS; Nate Pamplin, WDFW; Brian Lipscomb, Jann Eckman, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, Patricia Burgess, CBFWA

Phone/WebEx: Lynn DuCharme, CSKT; Kyle R. Prior, USRT

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

ITEM 5: Assess Program for Adequacy to Develop Long-Term Work Plans (LTWP) and Incorporation of the Agencies and Tribes Recommendations

Brian Lipscomb referenced a document that CBFWA staff prepared containing the suggested elements of a long-term work plan: http://www.cbfwa.org/Committees/MAG/meetings/2008_1007/Elements_of_LongTermWorkPlans_100708Draft.doc. The MAG held a lengthy conversation regarding LTWP elements and the process to move them forward. At the conclusion of that discussion, Brian Lipscomb suggested that CBFWA staff take the information and ideas discussed and build examples for MAG review.

Action: The MAG moved to direct CBFWA staff to proceed forward and build examples for MAG review for circulation by COB Friday, October 10th.

Motion Discussion: Nate Pamplin, WDFW, suggested that we make sure that we do not reference the CBFWA amendment recommendations, e.g., instead of a limiting factor referencing an item identified in the CBFWA recommendation, write the limiting factor without reference to what was submitted in April.

Dave Statler, NPT, stated that there are examples that could be used to consider what would be required to satisfy the overall needs for getting the work plans out. Chairman Marotz clarified that CBFWA staff will put together an example template and email it to the MAG for review. MAG will make comments back to CBFWA staff to provide the essential elements with an example and that will be recommended to the Members for their consideration October 15th.

Dave Ward, CBFWA, asked: Based on the discussion regarding not referencing the CBFWA amendments, how do we handle **#7 CBFWA Subbasin Summary measure title** on the list of elements

(http://www.cbfwa.org/Committees/MAG/meetings/2008_1007/Elements_of_LongTermWorkPlans_100708Draft.doc).

Dave's question prompted additional discussion and it was suggested that the motion be tabled to allow for further discussion. The discussion continued without "motion to table."

Tom Iverson stepped through a presentation CBFWA staff created based on the Oct 7th discussion between Tony Grover and the MAG:

http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/MYIPvmeasures.ppt.

Brian Lipscomb suggested that CBFWA Members question the Council Members regarding their intent to request feedback from the recovery or subbasin planning teams.

Dave Statler, NPT, stated that there is great value in having the Council formally adopt the subbasin plan summary template; however, regardless of the fate of the summaries, all of this work has not been a lost effort and CBFWA should consider that the work will serve for long term planning and M&E. Nate Pamplin, WDFW, concurred, and stated that the approach now is to figure out the strategy so we do not alienate our positions further. Tom Rien, ODFW, concurred as well stating that we want the amendment recommendations in the Program, but as a contingency plan, we need to continue to maintain a document that CBFWA supports in the long run and have our own interpretation of actions needed to implement the Program within CBFWA.

Brian Lipscomb suggested that Members need to consider whether or not the Council is relying heavily on the input of the fish and wildlife managers to build the Program based on the statute. This is a much broader question but the opportunity to have that question assessed and answered (i.e., by the Ninth Circuit Court or Congress) is through the record so you need to build the record.

Dave Statler stated that he envisions the CBFWA Members to have the full compliment of the subbasin summary templates to reference as part of the long-term planning process. If the Members think that the templates are necessary to maintain the adaptive linkages and to adequately have a means of assessing the LTWP, then we come to the table regardless of what the previous views or persuasions are of BPA and the Council. We've have all the correct rationale and logic and we need to apply it to the long-term planning process and the reason for doing that is to implement line 7-10 on page 106 of the draft Program.

Additional recommendations discussed for Members consideration is a request to the Council and BPA for a follow-up consultation meeting and suggestions for the next steps.

Clarification of Motion Status:

Liz Gaar suggested that a motion be made for the MAG to recommend to the Members that not only do they need to communicate with written comments on the Program but before the end of October that a follow-up meeting be called with substance for the discussion. Before Liz Gaar's motion could be formulated, Chairman Marotz requested the status of the previous motion.

The group summarized the status of the previous motion: CBFWA staff was to take the list and generate a template and a draft example to be sent out by COB Friday, October 10th for MAG review; however, the motion was not completed in order to first sort through the question about the reference to measures in the LTWP list of elements. The

MAG then reviewed the presentation prepared by CBFWA staff based on Wednesday's discussions to describe how the measures could be used to maintain the framework and to be entered into the suggested appendix.

Liz Gaar stated that although she seconded the motion, she was not comfortable with the explanation of the relationship between the LTWP elements to the updated subbasin plans. After continued discussion, relative notations made on the presentation slide: [http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/LTWP\(MYIPmeasures\)wComments2008_1008.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/LTWP(MYIPmeasures)wComments2008_1008.pdf).

The previous motion was withdrawn.

After considerable discussion the MAG decided that the next best step was to revisit the list of LTWP elements, and within the meeting the MAG provided the following edits directly into the document:

http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/Elements_of_LongTermWorkPlans_DraftREV2008_1008.doc.

Action: The MAG directed CBFWA staff to flesh out the LTWP essential elements and provide a draft template of the components for review and comment by the MAG by COB Friday, October 10th for feedback by COB Monday, October 13th and on to Members for their consideration on October 15th. For content, an example will be included. No objections.

ITEM 7: Develop Recommendation for Comments and/or Continued Consultation on Draft Program and Long-Term Work Plans

Brian Lipscomb summarized on the white board where the MAG is at in the process (http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/MAGBoardImages2008_1008StepsForward.pdf). Brian suggested that the MAG either review the assessment or direct staff to review the assessment and formulate comments based on the statutory obligations of the Council respective of the role of the agencies and Tribes and put finishing touches to the potential negotiated outcome that Members can consider pursuing through consultation. The MAG could instruct CBFWA staff to formulate comments for MAG review and consideration and discussion at the October 15th Members teleconference.

The MAG members requested a transcript of the October 7th meeting with Tony Grover for use in the comments. Jann Eckman advised that every Members and MAG meeting is recorded and the recording is available to the Members. CBFWA staff always enters the actions that everyone has agreed to in the action notes. Transcribing and distributing discussions can create potential legal implications.

Action: The MAG moved to recommend the process as represented in the presentation slide to the Members as a means of incorporating the subbasin plans already recommended by the Members into the Program. (Presentation slide referenced in motion: [http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/LTWP\(MYIPmeasures\)wComments2008_1008.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_1008/LTWP(MYIPmeasures)wComments2008_1008.pdf)).

Motion Discussion: Tom Iverson suggested a modification to the slide to add the development of the MYIP/LTWPs feeding up to the blue process box at the same time that the tables are submitted at the 90 day review. At the end of the 90 day period the Council will be prepared to develop complete subbasin plans with the management plan elements. The subbasin plan level LTWPs would be developed by the individual agencies and Tribes, with CBFWA facilitation if requested. Subbasin scales will be developed individually, and the mainstem implementation work plan, the M&E, Coordination, etc., would be developed through CBFWA with a consensus recommendation.

Amended Motion: The motion was amended to make the edit as Tom suggested. No objections.

Action: The MAG moved to have CBFWA staff go through the table (i.e., analysis of draft Program) based on the conversation of the last two days toward drafting comments for Members consideration. No objections.

Tom Iverson listed the recommended actions on the white board as follows:

- 1) Process strategy for LTWPs.
- 2) CBFWA staff update of draft Program analysis based on conversation with Council staff.
- 3) CBFWA staff will develop comments on draft Program.

Action: The MAG moved to direct CBWFA staff to complete the assignments as discussed and written on the white board under the third action “CBFWA staff develops comments on draft Program” (the first two actions were covered separately, see above):
http://www.cbfgwa.org/Committees/MAG/meetings/2008_1008/MAGBoardImages2008_1008Actions.pdf.

Motion Discussion: Dave Statler requested an amendment to the third action clarifying the motion to state that the comments that staff will develop will in part be based on the incomplete list discussed and the discussion with Tony Grover on October 7th. CBFWA staff will prepare drafts for Members review at the October 15th Members meeting. The motion passed without objection.

ITEM 6: Recommendation for Agency and Tribal Participation in the Development of Long-Term Work Plans

Dave Statler stated that in general with regard to engaging with the Council individually or collectively, the Members want to maintain their prerogative to do both with the subject matter influencing and dictating the communication.

Brian Marotz reminded the MAG that in the earlier discussion, we were going to recommend to the Members that they meet with the full Council. Nate Pamplin suggested that CBFWA Members may want to have discussions with state Members and if we the thirty day extension is granted, then request a meeting with the full Council on November 18th or 19th. Having the products prepared by CBFWA staff will prepare everyone with a similar message.

Within the individual agencies’ and Tribes’ letters, a suggested comment would be that when the Members communicate with the Council individually, the Members expect it to be treated with appropriate consideration and if we communicate collectively we also expect that be treated and recognized appropriately. Nate added that it is sometimes difficult to achieve a consensus document; in those instances, he would be grateful to have collective input on editing documents produced by CBFWA staff but Members individual discretion.

The MAG referenced the motion and discussion under Item 7, i.e., the agencies and Tribes may want to work with CBFWA to develop an overall framework and template but develop subbasin specific information with their co-managers, (i.e., not through the CBFWA consensus process). For mainstem systemwide issues, the agencies and Tribes may want to work through the CBFWA consensus process.

Upcoming

Meetings

Oct/Nov 2008:

October MAG Meeting: Tues, Oct 21st 9am-12pm (WebEx)

October Members Teleconference: Mon, Oct 27th (1-4pm)

Members November 5th Teleconference: Cancelled

***Council Hearing
Schedule:***

Northwest Power and Conservation Council links: [2008-2009 Program Amendments](#) and [NPCC Public Hearing Schedule](#)

Day Two Adjourned.