



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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**Final**

**DATE:** June 18, 2009  
**TO:** Members Advisory Group  
**FROM:** Brian Lipscomb, Executive Director  
**SUBJECT:** Final Action Notes for the Monday, June 15, 2009 MAG Teleconference

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 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

**Members Advisory Group (MAG)**  
**Monday, June 15, 2009**  
**1:00 p.m. – 3:45 p.m. PDT**  
**@ CBFWA Office Portland, OR**  
[MAG Webpage](#)

Final Action Notes

**Attendees:** Brad Houslet, CTWS; Nancy Leonard, NPCC; Brian Lipscomb; Jann Eckman; Kathie Titzler, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, Trina Gerlack, Patricia Burgess CBFWA

**Phone/ WebEx:** Jason Kesling, BPT; Ronald Peters, Cd'AT; Phil Roger, CRITFC; Sheri Sears, CCT; William T. Towey, CCT; Lynn DuCharme, CSKT; Gary James, CTUIR; Michele DeHart, FPC; Lance Hebdon, IDFG; Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Doug Taki, SBT; Ron Rhew, USFWS; Kyle R. Prior, USRT; Bill Tweit, WDFW

<b>Time Allocation:</b>	Objective 1: Participation	100%
	Objective 2: Technical Review	%
	Objective 3: Presentation	%

**ITEM 1: Introductions and Approve Agenda**

**Action:** The MAG approved the agenda as presented. No objections.

**ITEM 2: May 18, 2009 MAG Draft Action Notes**

Chairman Houslet stated that under Item 3 Council Updates, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence, references an update on Multi-year Action Plans (MYAP) and reads like the update was to MAG instead of the Council. Chairman Houslet suggested that the notes be edited to clarify that the update was given at the Council meeting.

**Action:** The MAG approved the May 18, 2009 action notes as final with the edit requested by Chairman Houslet. No objections.

**ITEM 3: Reminder that the Draft SOTR is Available for Review and Comment**

In a [memo dated May 27th from Brian Lipscomb](#), CBFWA staff announced that the DRAFT Status of the Resource (SOTR) Report is available for review. The files are posted as PDFs on the CBFWA Members' webpage, under May 27, 2009, at [http://www.cbfwa.org/committee\\_main.cfm](http://www.cbfwa.org/committee_main.cfm). Brian Lipscomb advised that CBFWA staff appreciates the feedback and the verification of data received so far and reminded MAG members to continue the effort. The CBFWA has committed to releasing this report to the public in July 2009. Comments to CBFWA staff are due by COB Wed, June 24.

**ITEM 4: Northwest Power and Conservation Council (Council) June Meeting Update**

**High Level Indicators (HLI) Council Comments:** Nancy Leonard, Council Fish, Wildlife and Ecosystem M&E Report Manager, participated in the MAG meeting and provided a presentation of who provided comments, what the overall comments were, and a summary of suggestions for the indicators: [May 2009 Public Comments on HLI](#). Some comments/suggestions provided to the Council and feedback provided by Nancy in the MAG meeting are as follows:

- The Council needs to assure that they are better coordinating with the existing indicators in the Region. *Nancy stated that the Council intends to do that.*
- Requests for verification as to how the Council was defining their indicators, what management questions they were trying to answer, and how they were planning on deriving them. *Nancy stated that it was felt that had the Council more clearly communicated what questions they were looking to answer, the commenting entities would have been more comfortable determining whether the indicators they proposed would actually serve to assess the Program progress. Nancy advised that the Council is working to clarify those management questions.*
- Suggestions on how the Council could improve the indicators, (i.e. modification of the proposed HLI's, deletion of one indicator and an addition of several others). Overall, with regard to modifications proposed, it was suggested to move some indicators (i.e. move from implementation to biological, etc) and to consider subdividing the categories. Nancy stated that the comments about the implementation indicators probably arose from the miscommunication of the intent in this area. The main concern voiced was to make sure that the Council is not adding up different types of habitat together or different units (i.e. miles & acres together). *Nancy stated that the Council realizes they should have provided more clarification on that.*
- There were strong recommendations to assure that when reporting harvest and fishery rate that the Council makes certain that they are lining up what fishery managers are currently reporting, and concern was stated that the Council may have difficulty reporting ocean and resident fish harvest. There was encouragement to dig deeper into those indicators to make certain that the data is available and it is confident enough to use. *Nancy stated that one indicator that came up that the Council may consider removing is the life stage survival, mainly because entities providing comments felt that either we were already getting to that type of indicator through the other indicators they are using, or that it would be difficult to come up with life stage survival from the egg to the fry as that is usually estimated not actually counted.*

**Next Steps:** Nancy reviewed a draft [timeline](#) explaining that 1) the top blue section indicates draft steps the Council will undergo to adopt their HLI's over the next year, 2) the bottom section provides an idea of the ongoing work in the region addressing HLI's, 3) the bottom right section is listed as information for the Council members, and 4) the "Ready" Indicators signifies indicators that appear to be ready to move forward with some tweaking. Nancy stated that over the next couple weeks she will be inviting the commenting entities to a workshop to come to agreement on how best to tweak the indicators.

Nancy referenced [Tables](#) highlighting Biological (Table 1) and Implementation (Table 2) "Ready" indicators and HLI's reserved for additional work (Table 3).

Nancy concluded her presentation stating that it is hoped that Council staff will be ready to provide a recommendation based on the workshop results to the Council Members for adoption in July or August 2009 so they can start using them in next year's Congressional Report. The remaining indicators (Table 3) will take further time to develop. The Council will work to clarify the management questions and invite the interested entities to participate in a workshop to further develop those indicators. Nancy stated that it is hoped that they will make progress on salmonid abundance and watershed health indicators for adoption by year end but they expect to work a longer period of time on the other topics before they are ready for adoption.

Brian Lipscomb asked Nancy if the Council members have a clear picture from the agencies and Tribes with regard to the SOTR indicators and what they represent. Nancy responded that the Council Members understand that the SOTR is the more detailed level rolling up to a higher level report for Congressional reporting and that the SOTR would help them roll-up to the indicators they decide to adopt but they first must determine which of the indicators they are targeting. Nancy stated that it still has to be discussed but as the Council knows what indicators are to be adopted CBFWA staff can help provide that information and adjust the SOTR if necessary. Nancy confirmed that as the process continues, she does not intend to

ignore such a valuable resource as the SOTR and that the Council will need CBFWA staff's assistance.

**2009 Program Findings and Notice to the Federal Register:** Brian Lipscomb advised that the Council adopted approximately 250 pages of findings at their June meeting to conclude the 2009 Fish and Wildlife Program amendment process. The findings are developed by the Council legal department and explain in writing why the Council did not adopt a recommendation. The findings will inform Members and staff with regard to what is/is not in the Program. To date, the findings are not available for review but John Shurts, Council legal staff, advised that the Council will be posting them in the Federal Register next week at the latest. Publishing in the Federal Register initiates the 90 day appeal period required under the Act. CBFWA staff will update the Members once the findings are made available.

**Integration of the 2009 Fish and Wildlife Program into the Power Plan:** Brian Lipscomb advised that one of the Council's next steps is to incorporate the amended Fish and Wildlife Program into the draft (Sixth) Power Plan. Under the Northwest Power Act, in addition to developing the F&W Program, the Council is charged with developing a Power Plan that assures an adequate and reliable hydropower supply.

Tom Iverson, CBFWA, reported that the Council discussed "Appendix M: Integrating Fish & Wildlife and Power Planning" at the F&W Committee meeting last week. Appendix M lays out how the Council will integrate the fish and wildlife plan into the Power Plan and describes how fish costs are accounted for.

Tom advised that Power Plan is due to be released for comment in July 2009 but the [Draft Eighth Annual Report to the Northwest Governors on Expenditures of the Bonneville Power Administration](#) is out for comment now and the comments are due July 10th. One issue tied to the NW Governors Report and Appendix M is how the Council and Bonneville Power Administration (BPA) calculate foregone revenue impacts of fish operations. BPA refers to foregone revenue as a cost in their rate discussions and yet there is no money expended for that on their financial sheets; the Council explains how foregone revenue is calculated in Appendix M. They footnote that the way they estimate foregone revenue is by comparing the current year hydro operations with a model run of the current water year and applying a pre-1980 hydro operation. In the discussion at the Council meeting, John Fazio, Council Senior Systems Analyst, stated that pre-1980 operating conditions is impossible to implement, not just because of fish constraints but because of the Clean Water Act and various other changes that have occurred structurally and operationally with the Federal Columbia River Power System (FCRPS). So the current foregone revenue calculation misrepresents what revenues could be generated if all fish constraints were removed from the system.

Tom stated that the reason that BPA calculates foregone revenue is because of Section 4(h)(10)(C) of the Northwest Power Act which directs that the rate payers will only pay for the hydropower portion of the costs of fish operations. The federal government is to pay for the portion of fish costs caused by transportation and irrigation. BPA calculates the total cost to the system for fish operations and then they get credit from the U.S. Treasury based on the designated purpose of each dam, to offset their debt payment. The feds are paying their share of fish mitigation provided by BPA through the 4(h)(10)(C) fish credits. The question is: Is BPA inflating their fish costs to maximize that federal contribution?

Tom advised the MAG that it may be a good time to raise the question as to the appropriateness of the process and it may be a worthwhile effort for the Fish and Wildlife Managers to better understand the foregone revenue calculations and how they are used.

Brian Lipscomb suggested, if the MAG deems it advisable for the Members to consider commenting on the draft Governors report, and reviewing and commenting on the draft Sixth Power Plan when it comes out (release anticipated for July 2009), that the MAG may want to assign CBFWA staff to develop initial draft comments on the Governors report for Members consideration on July 1st. The comments are due to the Council July 10<sup>th</sup> so the comments would have to be developed and circulated by email in time for Members July 1<sup>st</sup> consideration. CBFWA staff will advise when the Power Plan is released for comment.

**Action:** The MAG directed CBFWA staff to develop a draft letter commenting on the [Draft Eighth Annual Report to the Northwest Governors on Expenditures of the Bonneville Power](#)

**Administration.** The comments will be reviewed by the MAG electronically for forwarding to Members for their consideration on July 1<sup>st</sup>.

There was some discussion as to whether or not this was an appropriate direction for the Fish and Wildlife Managers. The MAG decided that the letter drafted by CBFWA staff would assist the MAG members in making that final determination. After reviewing the draft, the MAG may opt to decline commenting and not forward the letter to the Members. No objections.

**Wildlife Crediting:** See information under Item #7.

**Wildlife Categorical Reviews:** Brian Lipscomb advised that the Independent Scientific Review Panel (ISRP) provided a presentation on their programmatic comments and recommendations at the June Council meeting. Brian added that the Wildlife Advisory Committee (WAC) worked extensively with the ISRP during the review process. Brian stated there appears to be some internal debate within the Council with regard to Habitat Evaluation Procedures (HEP) and the process of implementation.

CBFWA Members may want to ask the WAC to verify whether or not there's a need to monitor toward the effectiveness of habitat units (HU's) or just account for the amount of HU's acquired and managed across the basin. The recommendations from CBFWA was to work through the Program to develop a monitoring Program to measure the effectiveness of the HU's, not just account for the HU's. We'll need to contemplate that further and consider about asking the WAC to comment on the ISRP review from that perspective.

Brian advised that at the July meeting in Portland, the Council will consider recommending a suite of projects to BPA for funding for multiple years. Council staff has identified a couple issues that may need consideration. Those issues are:

1) An overlap in project proposals between CBFWA and several of the individual CBFWA Members. Currently, PISCES only allows for one definition of coordination and CBFWA has acknowledged that there is more than one definition of coordination (i.e., regional level and local level coordination). Right now it is only being reported as coordination and the question it raises is the overlap with regard to funding. CBFWA may anticipate requesting a clarification of regional versus local coordination.

2) The development of HEP analyses which is done by the regional HEP team but in some cases it is also done locally so it appears that there is an overlap in funding.

Council staff will provide the project recommendations to the Council Fish and Wildlife Committee at a meeting scheduled for June 18th. If there's need for further discussion on this, Brian will add it to future Member/MAG agendas.

**RM&E:** Brian Lipscomb advised that the Members will hold a special face-to-face meeting with anadromous fish managers on June 17th to contemplate the agencies and Tribes roles in the implementation of the Anadromous Fish monitoring framework workshop strategy and design, the workload expectations, timeline, and funding levels. Brian advised that he has a call scheduled with Lynn Palensky, Council Subbasin Planning Project Manager, to discuss the timeline and review of projects not covered under the monitoring framework for anadromous fish.

**Artificial Production:** Brian Lipscomb advised that he and Rob Walton, NOAA, provided an update to the Members at the June meeting regarding efforts to coordinate artificial production review required, or needed by NOAA in form of ESA consultation, and how that may relate to the Council's artificial production review. The question remains whether or not artificial production review is to incorporate resident fish as well as anadromous fish.

**ISAB/ISRP Tagging Report Recommendations:** Brian Lipscomb advised that Jim Ruff provided a memo the Council Members at the June meeting on [Management Recommendations from the ISRP/ISAB's Tagging Report #2009-1](#). Brian anticipates an extensive discussion at next month's Council meeting on this subject contemplating the recommendations within the memo. Brian suggested that the MAG may want to direct the FPAC and the CSS Oversight Committee to review the tagging report and Council staff recommendations and provide a report back to the MAG.



It is not yet known if the Council plans to adopt the recommendations at their July meeting, but Brian advised that he will communicate to the Council that the committees will do an extensive review and that comments may come from the agencies and Tribes. Brian will encourage the Council to hold off on any actions until their August meeting to provide an opportunity for comments. Brian added that if the Council does intend to consider the recommendations for adoption in July, he will request that they put them out for comment for 30 to 60 days.

**Action:** The MAG directed that FPAC and the CSS Oversight Committee's review of the tagging report and the Council staff recommendations and to report their findings to the MAG. No objections. Brian Lipscomb will communicate to Michele DeHart, FPC, via email, requesting the review of the tagging report and providing all pertinent information to include the Council schedule for the review.

**ITEM 5: CBFWA Work Plan FY 2009 Update & FY 2010**

**FY 2009 Update:** Brian Lipscomb advised that the Members contemplated a revised workplan that would include the commitment to the development of an Anadromous Fish Monitoring Framework through a series of workshops across the region culminating in a regionwide workshop in September. At the June meeting, the Members deferred adoption of the work plan and budget till their July 1<sup>st</sup> meeting and scheduled the June 17<sup>th</sup> meeting to accommodate further review of the expected outcomes of the framework and to make sure that the resources are available to deliver expected results.

**FY 2010 and beyond:** [In a letter to CBFWA from BPA dated June 9, 2009, Greg Delwiche](#) responded to the record provided in the [Coordination Funding Decisions Briefing Memo dated May 4th](#) and the [follow-up memo dated May 14th](#), sent to Council Chairman Bill Booth and Fish and Wildlife Chair Rhonda Whiting, regarding CBFWA funding. Brian advised that the letter from Greg Delwiche provides policy positions of BPA relative to 1) shifting the coordination of RM&E away from CBFWA to PNAMP, 2) BPA's funding levels for regional coordination, and 3) coordination project budget decisions that BPA has reached through negotiations with sovereigns. Greg proposes a path forward inviting the Members of CBFWA to attend a forum along with BPA, the Council, UCUT, CRITFC, and USRT, to discuss the allocation of a 2.4M coordination cap amongst the coordinating entities and sovereigns and/or allow BPA to proceed forward to allocate funding based on a table they provided that essentially gives 1/19<sup>th</sup> of the 2.4M plus 2.5% COLA to each of the 19 Fish and Wildlife agencies and Tribes.

Brian suggested for MAG's consideration two potential paths forward: 1) acquiesce to BPA's 1/19th funding scenario and have the entities strategize about how that would look and how CBFWA would be used under that scenario. Brian added that past results of this strategy has not been recognized by BPA and the Council, or 2) push back and have the Members' policy folks communicate to BPA clarifying their individual positions – this communication could set the stage for the forum BPA proposed.

Brian requested the MAG's consideration and contemplation on how to proceed. MAG members expressed their individual thoughts and frustrations about the letter and discussed alternatives to move past the communication impasse. The MAG discussed consideration toward participating in a forum with BPA, stressing that it would need to be facilitated by a neutral third party, and discussed having CBFWA staff draft a letter for Members consideration responding to BPA.

After considerable discussion, the MAG resolved that this issue must be put in front of the Members for resolution.

It was agreed that the MAG will prep their respective Members to anticipate an in depth conversation on how to respond to BPA at the July 1<sup>st</sup> Members teleconference. The MAG can expect this to be on the agenda for the July meeting for further discussion and preparation for Member action at the July face to face meeting in Kalispel, MT.

**ITEM 6: Resident Fish Advisory Committee (RFAC) Recommendations**

Sheri Sears, RFAC Chair, provided a [Proposed Methodology for Aquatic Habitat Loss Assessment](#) presentation for MAG summarizing the RFAC proposed methodology for calculating lost resident fish habitat due to construction and inundation.

Sheri also reviewed the [Resident Fish Operation Loss Assessments 2009](#) explaining that the table was developed looking at impacted areas and advised that the next step would be to go through and develop an indicator that would allow for the quantification of losses. Neil Ward added that Montana, Fish, Wildlife and Parks (MFWP) and the Confederated Salish and Kootenai Tribe of the Flathead Reservation (CSKT) already have loss assessments in place.

Neil advised that there are two types of loss assessments: one is inundation and the other is operational. Kootenai Tribe of Idaho (KTI) is in the sixth year of a project in which they are developing a model to identify operational losses. Initially, the RFAC had a lot of concerns about using that type of assessment because there are areas such as the mainstem where there is very little data. Inundation assessment is not as expensive and time consuming as the operational piece and that is why RFAC decided to focus on inundation first. The KTI presentations provided this past month pertaining to that model suggests that once that is completed, the model could be used elsewhere in the basin. If that is the case, it is possible that it won't cost quite as much to do the operational loss assessments.

Neil advised that the 2009 F&W Program is not so explicit to state that there would not be additional money made available but it is somewhat explicit that it would be up to the co-managers in that area to decide whether assessment would be performed at the expense of another project - and that is contrary to CBFWA's amendment recommendation.

At this time the RFAC is focusing on losses from inundation, i.e. aquatic habitat loss. Neil asked MAG members to keep in mind that the key is looking at what is lost, not created. The habitat that was created is not suitable for the native fish and it is the natural system that was lost due to inundation, i.e. the stream or river, the length or the area, based on native focal species. After a long process the RFAC essentially embraced the process that MFWP and CSKT have used; however, with regard to operational losses, the RFAC differs.

The RFAC resolved to identify stream length or stream area that was inundated after breaking it down by stream type, habitat type, and focal species' use. Sheri stated that the F&W Program states that they can develop a process using either lineal or area calculations but it must go before the Council to be approved before implementation. Neil Ward added that the Program is not specific on the actual method and this is a method that could be used across the basin.

Bill Tweit, Washington Department of Fish and Wildlife (WDFW), had to leave the meeting early but advised that WDFW supports both RFAC recommended actions.

**Action:** The MAG directed that the resident fish methodology be moved forward for Members' approval for forwarding on to the Council. No objections.

Sheri Sears review the [RFAC proposed changes](#) to the [ISAB's 2008-4](#) Draft Non-Native Species Risk Assessment Template. The MAG held a brief discussion with regard to the Independent Scientific Advisory Board's (ISAB) reference to "national" status of the fish and the RFAC's recommendation to remove the reference to "national" status and as to whether such language is actually burdensome; however, the MAG approved the RFAC's recommendations as presented.

**Action:** The MAG approved for Members' consideration the proposed changes the RFAC has recommended to the ISAB's draft risk assessment template and directed RFAC to formulate a letter for the Members communicating these recommendations to the Council. No objections.

**ITEM 7: Wildlife Crediting Forum:** Brian Lipscomb advised that a Wildlife Crediting Forum has been contemplated by the Council in their amended Program and there have been several conversations with the Council and BPA staff to proceed with the formulation of a crediting forum. At the June Council meeting, Peter Paquet, Council's Manager, Wildlife and Resident Fish, provided an extensive briefing. The Council requested that Peter return to the July Council meeting with recommendations to solicit for membership on the committee and the sideboards to go along with it. The Wildlife Advisory Committee (WAC) has contemplated recommendations for sideboards in the form of [a letter to the Council for MAG review](#) to forward for Members consideration to encourage the formation of a crediting committee.

**Action:** The MAG approved the letter as presented for Members consideration at the July 1<sup>st</sup> teleconference. No objections.

**ITEM 8: Members Summer Face-to-Face Meeting & Agenda Topics**

Summer Members Face-to-Face Meeting is scheduled for July 29-30<sup>th</sup> in Kalispell, Montana at the Red Lion Hotel. Agenda items include: CBFWA Work Plan, Anadromous Fish Monitoring Framework Workshops and design, RM&E committee chartering, Council Amendment Program Review update, FSOC: Mitchell Act Funding and FRIMA update, PSMFC and CBFWA MOA, StreamNet Data Management Update, future work developments, and Obama administration updates on climate change. Discussion on the letter from BPA will be added to the draft agenda.

MFWP will host the meeting and Brian Lipscomb will be talking with Brian Marotz to start formulating the draft agenda for MAG review.

***Upcoming Meetings:***

**Members Special Face-to-Face Meeting:** Wed, June 17, 2009, 9:00am-4:00pm

**Members July Meeting:** Wed, July 1, 2009, 1-4pm (via WebEx)

**MAG July Meeting:** Mon, July 20, 2009, 1-4pm (via WebEx)

**Members Summer Face-to-Face Meeting:** July 29-30, 2009 in Kalispell, MT

**Council Meetings:** July 14-16<sup>th</sup> in Portland, OR & August 11-13<sup>th</sup> in Spokane, WA

Brian Lipscomb advised that a Policy Science conference on the estuary is being considered by the Council for September after their meeting in Astoria. In the past, the Council requested CBFWA's assistance in the planning process, but it is not yet known if the Council will request CBFWA's assistance this time around.

*Meeting adjourned.*