



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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DATE: May 9, 2007  
TO: CBFWA Members  
FROM: Larry Peterman, Vice-chair (Acting Chair) and Brian Lipscomb, CBFWA  
SUBJECT: Final Action Notes from the 5/2/07 Members 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 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

## Members Teleconference

Wednesday, May 2, 2007

1:00-4:00 p.m.PST

@

Columbia Basin Fish and Wildlife Authority (CBFWA) Office  
Portland, Oregon

The support material and reference documents for the 5/2/07 Members meeting are posted at: <http://www.cbfga.org/committees/Meetings.cfm?CommShort=Members&meeting=all>.

## Final Action Notes

**Attendees:** John Platt, CRITFC; Brian Lipscomb, Tom Iverson, Kathie Titzler, Neil Ward, Dave Ward, Pat Burgess, Trina Gerlack, CBFWA

**By Phone:** Larry Peterman, MFWP; Amos First Raised, BPT; Dale W. Chess, Cd'AT; Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Bill Towey, CTCR; Brad Houslet, CTWS; Michele DeHart, FPC; Gary Sims, NOAA Fisheries; Claude Broncho, SBT; Mark Bagdovitz, USFWS; Nate Pamplin, WDFW; Peter Hassemer, IDFG

**Guests:** Lynn Palensky, NPCC

**Guests By Phone:** Kerry Berg, Dr. Tom Karier, NPCC

**Time Allocation:**

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

### ITEM 1: Introductions and Approval of Agenda

**Action:** Vice-chair Larry Peterman, MFWP, served as Chair. The Members accepted the agenda as presented without a motion.

### ITEM 2: Approve the 4/4, 4/16, and 4/17/07 Members Meeting Draft Action Notes as Final

**Action:** Pete Hassemer moved to accept the 4/4, 4/16-17/07 Members draft action notes as final. Seconded by Mark Bagdovitz. No objections.

### ITEM 3: Status Report from Northwest Power and Conservation Council (NPCC) Fish & Wildlife Committee Chair and/or Members

**Fish Passage Center Oversight Board (FPCOB) Decision:** Dr. Tom Karier, NPCC, began by encouraging CBFWA members to follow-up with Bruce Measure, who holds the lead role on the FPCOB issue. Dr. Karier stated that the FPCOB purpose and function is described as providing policy oversight for the Fish Passage Center (FPC) and that it is not up for debate. Dr. Karier added that he expects the scientific peer review to be helpful.

Claudio Broncho, Shoshone Bannock Tribes (SBT), stated that his tribe utilizes the FPC and asked why a seat was not provided for the Upper Snake Tribes, (unless they are to be represented under Idaho)? Dr. Karier stated that it was his assumption that a seat for the upper tribes would include the Upper Snake Tribes but he would have to confirm that.

John Platt, CRITFC, brought up two issues of concern raised by CRITFC's member tribes, Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, Confederated Tribes of the Warm Springs Reservation, and Confederated Tribes of the Umatilla Indian Reservation. John stated that when Bruce Measure participated in the April Members' meeting, he stated that the FPCOB was not going to be a policy-making body; however, when Jim Kempton and Bill Booth recently visited the FPC, Jim Kempton indicated that the FPCOB would decide the activities of the FPC.

John asked Dr. Karier to what extent will the FPCOB create policy for the FPC and to what extent will the peer review requirements impact the need for real-time decision making for the hydro projects?

Dr. Karier addressed the peer review question by stating the FPCOB must determine the peer review process. The scientific and technical backgrounds required of the participants should allow for the details to be worked out while avoiding onerous problems. Dr. Karier stated that the NPCC has asked the Independent Scientific Advisory Board (ISAB) to develop a mainstem review subgroup to avoid process delays while doing the reviews.

On the issue of policy, Dr. Karier stated that the FPCOB will stay close to the language in the Program requiring that the FPCOB provide policy guidance for the FPC making sure that it carries out its function in a way that ensures regional accountability and compatibility with the regional data management system.

Mark Bagdovitz suggested that the FPC be able to continue their function without having to first submit requests to a review board. After the request is completed, the ISAB or another subgroup could review the request and provide suggestions on how the FPC could improve upon their analysis in the future. This would eliminate a delay to the responses while still obtaining peer review.

Dr. Karier responded that Mark's suggestion is a good suggestion for the FPCOB to consider, as well as the issues brought up by John Platt.

The CRITFC Member tribes have requested consultation with Dr. Karier about details of the FPCOB and have invited Dr. Karier to the CRITFC May meeting. Dr. Karier stated that he expects to attend the May CRITFC meeting.

Mark pointed out that the US Fish and Wildlife Services (USFWS) was not provided a seat on the FPCOB and asked Dr. Karier to explain the call for nominations and the selection process.

Dr. Karier stated that while there is not an explicit seat for the USFWS, there is a seat for a member from the scientific community, "not from" the National Oceanic Atmospheric Administration (NOAA); therefore a scientist from the USFWS is not precluded to participate.

Dr. Karier communicated that the next step is for the NPCC to consider the nominations received at the end of the 30-day period. At this time, they do not have a scheduled date for making the appointments.

Mark asked what decision the NPCC would have to make if the states and/or tribes got together and decided who to nominate for submission to the NPCC? Dr. Karier encouraged parties to work together on the nominations stating that a nominee with full support of entities and tribes within their category would create an easier process and a compelling reason for the NPCC to accept the nomination.

**Program Amendment Preparations:** Kerry Berg, NPCC, advised that the NPCC approved the Program Amendment schedule at their April meeting. The process will begin in October and will conclude near the end of 2008.

**Science Policy Conference Update:** Kerry advised that the preparations for the Science Policy Conference are moving along. The planning groups for certain topics

(mainstem, habitat, ocean estuary) have already begun to meet.

**ITEM 4: Response to Bonneville Power Administration's (BPA) FY 07-09 Actions**

**Discussion/1<sup>st</sup>  
Letter:**

Two letters were presented to the Members for their review and endorsement regarding a response to BPA's funding actions.

Brian Lipscomb reviewed the first letter which communicates to BPA, (and copied to the NPCC), the frustration regarding the decision process over the past year and suggesting future processes to rectify the situation. Brian encouraged a sooner than letter timeline with this letter.

**Action:**

Pete Hassemer moved to approve and send the letter to BPA. Seconded by Mark Bagdovitz. No objections.

**Motion  
Discussion:**

After the motion was passed, Gary Sims advised that NOAA was abstaining. Gary explained that he was not up to speed on the in-lieu discussion and he stated concern over what he felt was harsh language within the in-lieu section of the letter.

Mark Bagdovitz suggested that given Gary's limited knowledge of the subject, Gary may want to give the NOAA regional administrator an opportunity to review the letter and decide whether or not to abstain.

John Platt referenced NOAA's record to abstain over the last couple years and emphasized the broader issue of the benefit of full participation from NOAA and of providing reasoned decisions on the issues, taking full advantage of the opportunity of having a seat at the table. If after the discussions, NOAA still chose to abstain, at least attempts would be made to come up with a common position.

Larry Peterman agreed that a discussion needs to take place with NOAA regarding clarification of under what circumstances they can participate and under what circumstances they might abstain.

In conclusion, it was agreed that the letters would not be sent until Wednesday, May 9th providing time for Gary Sims to discuss the content with the NOAA primary or acting regional administrator. Larry Peterman directed that in the interim, a sentence will be added to the letter that NOAA is abstaining. If after reviewing the letter, NOAA has no objection to the letter, the sentence will be deleted. Gary Sims agreed to that plan of action.

**Discussion/2<sup>nd</sup>  
Letter:**

Tom Iverson discussed the reason for the second letter. Tom explained that the process BPA created is resulting in many project sponsors negotiating directly to BPA for their funding. Some regional cooperative projects, recommended by the Mainstem System Review Team (MSRT), may be lost in the process because of a lack of a specific entity advocating for funding. Brian added that the intent of the letter is to make sure that the 12M that BPA has made available is not directed to other projects before the outstanding issues are addressed.

Mark Bagdovitz expressed concern about the way the letter is written requesting BPA to implement the MSRT recommendations, versus the NPCC's recommendations. Pete Hassemer suggested the letter be revised with a solid justification instead of reliance on the MSRT recommendations, with careful deliberation to all projects affected. Pete added that he thought the smolt monitoring project should be included.

Tom Iverson advised the letter was written in a more general sense pointing to the MSRT which was a collaborative effort of parties (F&W Managers, NPCC, BPA, COE) who worked together to reach a compromise on funding recommendations; however, in the end BPA did not honor the process. Tom agreed that the letter could be revised to include projects that are important to the managers to support regional decision making and to make sure that funding is reserved for those projects.

Brian added the letters are to put BPA on notice that although they have conducted consultations across the region they did not consult on these particular projects. Further

consultation may result in different decisions using some of the available funds.

Pete Hassemer added that with respect to Brian's comments, that the letter be modified by deleting the sentence in the last paragraph where we reiterate that BPA should fund all ongoing projects in the mainstem and systemwide categories consistent with the MSRT recommendations, and capture Brian's comments instead.

**Action:** Pete Hassemer moved to approve the letter conceptually with the modifications discussed. Seconded by Mark Bagdovitz with the stipulation that he could take time allotted for modifying the letter to better understand the letter via a telephone call to Tom. No objections.

**Motion Discussion:** Gary Sims asked for further clarification. Brian responded to Gary stating that BPA articulated to the NPCC that they did not have an opportunity to participate in the selection process; therefore, their priorities were not recognized in the process. That was true for all of the local subbasin prioritization processes that occurred across the region and the NPCC's deliberation with regard to the recommendations from those individual groups; however, BPA did participate in the MSRT process and the final recommendations that came out of that process.

Brian added that the NPCC did not adopt the MSRT recommendations but instead adopted a modified set of recommendations for the mainstem and systemwide projects based primarily on a deliberation by the state of Washington that occurred exclusive of the MSRT process. CBFWA commented to the NPCC regarding dissatisfaction with their recommendations at that time.

NOAA's tentative abstention applied to this letter as well as the first letter discussed. In conclusion, Larry Peterman directed for the motion to go ahead pending discussion on Pete's concerns and Mark getting up to speed on the issue. Brian stated that he will follow up with Pete and Mark and with Gary on NOAA's abstention.

**Update:** *The two letters discussed above were still in the review process as of 5/9/07. Distribution is anticipated for the week of 5/14/07.*

**ITEM 5: Data Management Framework Subcommittee (DMFS) Update**

Tom Iverson articulated that the DMFS initiated out of an ad-hoc committee recommended by the MAG to provide short-term FY07 guidance to the StreamNet Steering Committee on data priorities for their FY07 statement of work. The ad-hoc committee determined that in FY07 there should not be significant modifications in StreamNet's work plan, except that it will transition into a project with a much stronger regional framework. The MAG requested that the technical committees provide long-term guidance to StreamNet on data priorities based on the amendment strategy; however, the outlying issue that the data management projects only received one year of level funding had to be addressed.

The group realized that as the amendment strategy is created, a data management framework must also be created to support the strategy and at that point the DMFS was formed.

Tom provided a diagram outlining the key data and how the projects fit together: [http://www.cbfwa.org/Committees/Members/meetings/2007\\_0502/DMFSdraftFramework042307ver2\\_MBRB.pdf](http://www.cbfwa.org/Committees/Members/meetings/2007_0502/DMFSdraftFramework042307ver2_MBRB.pdf)

The DMFS discovered that the Northwest Environmental Data Network (NED) was also doing a similar activity. At the NED meeting on 5/2, a NED workgroup was formed to develop a data management strategy for the F&W program. Within NED's work plan are new pilot projects that are anticipated that BPA will fund. The NED and DMFS workgroups will merge and make sure that the gaps in the data management structure perfectly align with the NED pilot projects.

Tom advised that they anticipate having a set of project recommendations for BPA funded projects for 08-09 by the end of June 2007 transitioning toward a comprehensive

data management framework in the form of pilot studies, with the Status of the Resource (SOTR) and the BiOp Remand as the primary drivers. This is one element that may be adopted into the Program as a measure or as guidance toward feeding the monitoring framework and providing a foundation for StreamNet to build on for FY08-09 funding.

The DMFS expects to deliver recommendations to the MAG and the NED steering group in June for Members' endorsement in July with the intent to provide a presentation at the July NPCC meeting. The DMFS will meet again on May 11<sup>th</sup>.

**ITEM 6: Status Report from CBFWA Technical Committee Chairs**

Brian Lipscomb advised that the technical committees have been working on the assignments presented to them at the February Members meeting and are on track to report to the MAG at the May 9<sup>th</sup> workshop. Brian emphasized that the Members' staff commitments are working to shape the process but the workload will increase throughout June-August requiring a lot of discussion and effort from the Members' technical staff. Brian asked the Members to give their staff the support required to complete the process.

The amendment strategy timeline posted for review:

[http://www.cbfwa.org/Committees/Members/meetings/2007\\_0502/TimelineAmendStratImp042007.xls](http://www.cbfwa.org/Committees/Members/meetings/2007_0502/TimelineAmendStratImp042007.xls).

Current May 9<sup>th</sup> MAG workshop agenda posted for review:

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

Dave Ward confirmed that the technical committees are in sync and understand the need to provide clear linkages between the US vs. Oregon, the Pacific Salmon Treaty (PST), and the BiOp processes. Dave stated that the groups are still in the stage of pulling together existing information and they will start building on that information following the MAG workshop. Many of the committee members, especially in the AFAC, are involved in some of the other forums like recovery planning, remand subcommittee etc.

John Platt stressed the importance of the attendance of Members' representatives involved with the other forums at the May 9<sup>th</sup> workshop.

**ITEM 7: Ad-hoc Biological Objectives Workgroup Update**

Brian Lipscomb provided some background on how this ad-hoc group got started. Last October 2006, the NPCC F&W committee met with the Pacific Northwest Utilities Conference Committee (PNUCC) and the Public Power Council (PPC) regarding FY07-09 recommendations. At that meeting, discussion was somewhat negative with regard to the Program, the projects, and the perception that efforts were unsuccessful. Brian challenged the meeting participants to continue their conversation with the F&W Managers. At that time, Doug Marker was interested in initiating discussions about how the NPCC should solicit for biological objectives in the amendment process.

All of the discussions were merged together in December and continue to proceed with valuable working relationships being built. Participants include Greg Delwiche, Bill Maslen, Bob Austin, and Kyna Powers from BPA; Bo Downen and Therese Hampton (Consultant) from PPC; Shauna McReynolds and Lee Corum from PNUCC; Shane Scott (S. Scott & Associates) and Larry LaBolle (Avista) from Northwest RiverPartners; Peter Paquet, Lynn Palensky, and intermittently Mark Fritsch and Patty O'Toole from NPCC; CBFWA staff/members Brian Lipscomb, Tom Iverson, Pete Hassemmer, and Mary Verner; and a representative from Grant County Public Utilities Department.

The group has generated the following goals:

1. Identify shortfalls and opportunities to improve the current format and articulation of biological objectives within the Program.
2. Identify the benefits and risks of including new biological objectives in the Program.
3. Examine how biological objectives for the Program could incorporate biological objectives identified in other realms of Columbia Basin fish and wildlife protection efforts.

4. Discuss the pros and cons of different scales and types of biological objectives.
5. Identify the role biological objectives will play in implementation of the Program.
6. Discuss the relationship of the biological objectives to BPA's mitigation responsibility.

Brian advised that there was concern at the MAG level that there was not enough participation from F&W Managers and from other non-governmental organizations (NGO's). Brian stated that he will contact those groups to let them know the open door meetings are taking place.

CBFWA's expectation out of the group is to provide some feedback on the amendment strategy and help develop amendments to meet the needs identified.

Pete Hassemer suggested two documents that could be used both by the biological objectives workgroup and the MAG and CBFWA technical committees at the May 9<sup>th</sup> workshop: 1) 2001 ISAB review of biological objectives in the 2000 F&W Program, and 2) 1995 Program documents which contained good definitions of the Program vision and definitions of the goals, objectives, measures, strategies, and biological objectives.

The ad-hoc group will meet again on Friday, May 4<sup>th</sup>. Brian anticipates having products from goals 1&2 to bring to the MAG workshop. Brian emphasized that the ad-hoc group will not identify the biological objectives; that task will be left to the F&W Managers.

Ad-hoc Biological Objectives Workgroup draft goals:

[http://www.cbfwa.org/Committees/Members/meetings/2007\\_0502/GoalsForBiologicalObjectivesWorkgroup041307DRAFT.doc](http://www.cbfwa.org/Committees/Members/meetings/2007_0502/GoalsForBiologicalObjectivesWorkgroup041307DRAFT.doc)

## **ITEM 8:**

### **Development of a Comprehensive Management Coordination Strategy**

Brian Lipscomb advised that this update on the Coordination discussion was not presented to the MAG at the last meeting due to time constraints. The coordination groups have continued to meet and the next meeting is scheduled for Thurs, May 10<sup>th</sup>. The group's objective is to identify the basis for defining coordination. The work is broad and general in scope at this point; however, CBFWA staff will continue to work with the group to finalize the process and then bring it to the Members for deliberation.

The Spokane Tribes have requested that the conversation be expanded to not only include the definition of management coordination under section 4(h)(2)(c) of the Act but also to work with their tribe to identify a consultation process called for in section 4(h)(5) requiring that the NPCC consult with agencies, tribes, and customers in the development of the Program. In addition, under section 4(h)(11), the Administrator is required to consult with the Secretary of Interior, the NOAA Administrator, State F&W Agencies, the regions' appropriate Indian tribes, and effective project operators in carrying out provisions of the Program. These two consultation processes have occurred in the past but not consistently.

Brian recalled that the Members directed the MAG to assign CBFWA staff to participate with the Kalispel (Ray Entz and Deane Osterman and Joe Maroney) and the Spokane (Warren Seyler) Tribes, UCUT (Mary Verner), and CRITFC (Jaime Pinkham & Laura Gephart). Lynn Palensky, NPCC, and Molly Moreland, BPA, are not actively participating but listening in to stay in tune with the discussions.

Tom Iverson advised that at the first meeting, the Kalispel Tribe provided a presentation which served as a base document for the presentation he was reviewing with the Members today:

[http://www.cbfwa.org/Committees/Members/meetings/2007\\_0502/PrinciplesOfCoordination102\\_4-24-07\\_MBRS.pdf](http://www.cbfwa.org/Committees/Members/meetings/2007_0502/PrinciplesOfCoordination102_4-24-07_MBRS.pdf)

Brian and Tom emphasized that the process is in the initial step of establishing principles of coordination working from a foundation of differing perspectives. Once the principles are established, the group can get more specific and build processes resulting in discrete purposes for coordination. Brian and Tom will continue to update the Members as the

process moves along.

**ITEM 9: Salmon Economic Analysis and Planning Act (SEAPA) Update**

SEAPA Bill HR 1507 was introduced into the House of Representatives but has yet to go through the Senate.

**ITEM 10: Next Members' Teleconference Date and Time**

The next Members' teleconference is scheduled for Wed, June 6, 2007 at CBFWA.

**FYI ITEM: Upcoming NPCC Meetings:**

- May 15-16, 2007 in Walla Walla, WA
- June 12-14, 2007 in Idaho

Brian advised that following his amendment process update at the April NPCC meeting, Larry Cassidy asked about the definition of measures. Brian responded adding that if the NPCC has thoughts about the definition of measures, that now is the time to have that discussion, not later. Brian stated that to date no follow-up discussion has transpired.

Nate Pamplin requested that the definition of measures be included in the list of definitions for the MAG workshop on May 9<sup>th</sup>.

**REQUEST: Please turn in your Official Appointment Letter Designating each Tribe/Agency CBFWA Committee Representatives for 2007**

Larry Peterman reminded the Members to turn in their official appointment letters to CBFWA staff.

***Meeting Adjourned.***