



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin.

The Authority is comprised of the following tribes and fish and wildlife agencies:

Burns Paiute Tribe

Coeur d'Alene Tribe

Confederated Salish and Kootenai Tribes of the Flathead Reservation

Confederated Tribes of the Colville Reservation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Idaho Department of Fish and Game

Kootenai Tribe of Idaho

Montana Department of Fish, Wildlife and Parks

National Marine Fisheries Service

Nez Perce Tribe

Oregon Department of Fish and Wildlife

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

Washington Department of Fish and Wildlife

Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Upper Columbia United Tribes

Compact of the Upper Snake River Tribes

DATE: January 2, 2008
TO: CBFWA Members
FROM: Mark Bagdovitz, Acting Chair and Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from December 5, 2007 Members Teleconference

Members Teleconference Wednesday, December 5, 2007

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

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

Final Action Notes

Attendees: Mark Bagdovitz, USFWS; Jay Hesse, NPT; Brian Lipscomb, Jann Eckman, Tom Iverson, Pat Burgess, CBFWA

By Phone: Laura Gephart, CRITFC; Jay Minthorn, Carl Scheeler, CTUIR; Brad Houslet, CTWS; Steve Yundt, IDFG; Sue Ireland, KTI; Dave Statler, NPT; Elizabeth Gaar, Gary Sims, Rob Walton, NOAA Fisheries; Claude Broncho, SBT; Nate Pamplin, WDFW

Time Allocation:

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

ITEM 1: Introductions and Approval of Agenda

Dan Diggs, USFWS, was not available to chair the meeting; Mark Bagdovitz served as acting chair.

Action: The Members approved the agenda as presented. No objections.

ITEM 2: Approve the November 7, 2007 and November 14, 2007 Members Teleconference draft action notes as final.

Action: The Members approved the November 7, 2007 and November 14, 2007 Members action notes as final. No objections.

ITEM 3: Approve CBFWA Work Plan Pursuant to Coordination Definitions

Brian Lipscomb recalled that in October 2007, the Members took action to approve a budget that reduced CBFWA staff by one FTE, distributing the savings across the membership for increased level of participation.

In November 2007, the Confederated Tribes of the Colville Reservation (CTCR) asked that a distributed service model be explored before a final funding package is approved:

http://www.cbfwa.org/Committees/Members/meetings/2007_1107/RegionalCoordinationCBFWAworkPlanLtrFromColvilleTribe_UCUT_101107.pdf. The Members Advisory Group (MAG) instructed CBFWA staff to complete a feasibility study in follow-up to this request:

[http://www.cbfwa.org/Committees/Members/meetings/2007_1205/DRAFTDistributedServices111607\(FeasibilityStudy\).doc](http://www.cbfwa.org/Committees/Members/meetings/2007_1205/DRAFTDistributedServices111607(FeasibilityStudy).doc). The MAG determined it prudent to increase the budget to 2.071M encompassing funding for increased staff travel.

The MAG also considered a distributed funding model suggested by the Upper Columbia United Tribes (UCUT) in a letter to NPCC in November 2007:

http://www.cbfwa.org/Committees/Members/meetings/2007_1107/RegionalCoordinationLtr

[sFromUCUT_KalispelTribeToNPCC101707.pdf](#) . The MAG instructed Brian Lipscomb to meet with the UCUT's to explore their request. It was realized that the Kalispel Tribe was the party proposing the distributed funding model; however, they had not submitted details of their request in writing. At that time, CBFWA staff provided the MAG with their interpretation of the proposed verbal request: http://www.cbfwa.org/Committees/Members/meetings/2007_1205/DistributedFundingModeIMemo112007.pdf.

Following the MAG meeting of November 20th, the Kalispels submitted their proposal in writing: http://www.cbfwa.org/Committees/Members/meetings/2007_1205/KalispelCoordFundingProposal_2007Nov.doc. The proposal submitted by the Kalispels was consistent with CBFWA staff's interpretation and consistent with MAG's consideration of the distributed funding model.

Brian referenced a memo from NPCC staff to the NPCC Council Members recommending that the NPCC establish a 2.3M funding cap for FY 08-09 for the coordination proposals: http://www.cbfwa.org/Committees/Members/meetings/2007_1205/NPCCStaffReccomendationFY08.doc.

Brian Lipscomb requested, as recommended by the MAG, that Members review and approve the draft letter to the Northwest Power and Conservation Council (NPCC) recommending the CBFWA proposal for funding at 2.071M for FY 08-09: [http://www.cbfwa.org/Committees/Members/meetings/2007_1205/CBFWAFY0809Funding\(Dec4\)forMbrReview.doc](http://www.cbfwa.org/Committees/Members/meetings/2007_1205/CBFWAFY0809Funding(Dec4)forMbrReview.doc)
http://www.cbfwa.org/Committees/Members/meetings/2007_1205/CBFWA08-09costsFinal.xls.

The Members reviewed the letter and made a minor edit to the first sentence in the letter to emphasize that CBFWA was attaching a proposal for recommendation, rather than attaching a recommendation.

Brian confirmed that approving the letter communicates approval of the budget and project proposal being transmitted with the letter. Brian stated that this action is significant as it communicates to the Region that the Members have considered the distributed funding model and believe that CBFWA is the appropriate forum for making decisions.

- Action:** The Members approved the draft letter to the NPCC recommending the CBFWA proposal for funding at 2.071M for FY 08-09 with edits discussed, pending approval of Members not present at meeting.
- Motion Discussion:** Brian Lipscomb advised that prior approval had been gained through discussions with CBFWA Members from the Oregon Department of Fish and Wildlife (ODFW), National Oceanic and Atmospheric Administration (NOAA), Shoshone-Paiute Tribe, CTCR, and the Coeur d'Alene Tribe; however, Brian stated that he will contact them and other Members not in attendance to review the actions and obtain their approval.
- Abstentions:** Sue Ireland, Kootenai Tribe of Idaho (KTI), advised that they are abstaining pending Tribal Council policy deliberation. Their Tribal Council will meet in January 2008. Brian Lipscomb will follow-up with Sue after the meeting to obtain their statement of abstention for the letter.
- Motion Discussion:** The letter will also be transmitted to the Kalispel and Spokane Tribes in conjunction with the letter being sent to the NPCC, rather than receiving the information after the fact. No objections.
- Additional Comments:** Tom Iverson suggested that Members contact their perspective NPCC Members, or engage in the December NPCC meeting, express their interest and request that they recommend funding the Program needs and not develop an arbitrary funding cap. Brian confirmed that this is not an agenda item on the December NPCC meeting

agenda but CBFWA staff will submit the letter to the NPCC prior to the meeting.

Note: *Please see table at end of the action notes for the record of consensus follow-up.*

Final letter submitted on December 10, 2007:

http://www.cbfgwa.org/Committees/Members/meetings/2007_1205/cbfgwaFY0809FundingLtr-Spreadsheet_20071210FINAL.pdf

ITEM 4: Fish Passage Center (FPC) and Pacific States Marine Fisheries Commission (PSMFC) Memorandum of Agreement (MOA)

Brian Lipscomb advised that the CBFWA executive director is directed to supervise the FPC manager as stated within the Charter; however, since the employees of the FPC are employees of PSMFC, not the Columbia Basin Fish and Wildlife Foundation (CBFWF), Brian does not have legal supervisory authority.

Brian stated that there are three alternatives toward resolving this issue: 1) move the contract from PSMFC to CBFWF, 2) create an MOA between PSMFC and CBFWF to allow for either authority to exercise supervision and create an employee-employer relationship between the FPC Manager and the CBFWA Executive Director, and 3) amend the Charter removing the obligation. Although CBFWA has formally proposed that BPA move the contract from PSMFC to CBFWF, BPA has opted not to take action on that recommendation and recently renewed the FY08 FPC contract under PSMFC.

At the November 20th meeting, the MAG recommended that CBFWA Members direct Brian Lipscomb, as Executive Director, to pursue an MOA for FY 2008 with PSMFC regarding the supervision of the FPC Manager. For FY 2009, CBFWA will continue to pursue moving the contract from PSMFC to CBFWF.

Action: The Members directed Brian Lipscomb to develop the MOA with PSMFC working in consultation with CBFWA legal Council, Joe Mentor, Mentor Law Group, allowing the CBFWA Executive Director to supervise the FPC Manager.

It was agreed that the Members delegate this responsibility to Brian with the understanding that unless something arises that could create a potential issue or controversy, Brian will not be required to bring this back to the Members.

Abstentions: Sue Ireland, KTI, stated that they are abstaining pending Tribal Council policy deliberation.

No objections.

ITEM 5: Amendment Development Timeline

Brian Lipscomb advised that the amendment recommendations are due to the NPCC on February 1, 2008. The MAG has opted to expand the December MAG meeting to a final Amendment Workshop to be held on Tuesday, December 18th and Wednesday, December 19th in Portland at the CBFWA office.

In the three weeks following the workshop, the MAG will pursue policy support with the intent to communicate the amendment recommendations to the Members at the winter meeting on January 17-18th in Vancouver WA.

The winter January Members meeting will provide an opportunity for review and Members' consensus and the two weeks following providing the fish and wildlife managers' time to develop individual program amendment recommendations.

Mark Bagdovitz suggested that CBFWA staff keep in mind that some sections will gain complete agreement while other sections may require more Member time and consideration to achieve agreement before submittal to the NPCC.

CBFWA staff anticipates sending the first draft to the MAG for comment the week of December 10th. By Friday, December 14th, CBFWA staff will accumulate comments into the second working draft for the MAG Amendment Workshop on

December 18-19th.

ITEM 6: Hatchery Scientific Review Group (HSRG)

Brian Lipscomb advised that at the NPCC December meeting, a decision is pending regarding a funding recommendation to BPA, in the amount of 1.3M, to fund the final phase of the HSRG analysis facilitated by Jim Waldo. See letter to NPCC from Jim Waldo:

http://www.cbfwa.org/Committees/Members/meetings/2007_1205/WaldoLettertoNPCC2007Nov.pdf.

The Members deliberated whether or not to add the HSRG 1.3M funding request to the list of critical needs as communicated to BPA and NPCC in the CBFWA letter dated November 21st:

http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/CBFWAltr_BPA-NPCC_WP07RateProceedings112107Final-Encl.pdf.

The Members questioned and discussed the process in play with the HSRG project garnering NPCC attention for a decision and recommendation on the December NPCC agenda when so many other projects equally as important require funding.

Rob Walton, NOAA, advised that Congress has not provided a FY 2008 budget and it appears that even if the HSRG were to receive appropriated funds, the funds may come too late to ensure continuity in the HSRG work. Rob, while on the conference call with the Members, was attempting to gather additional information to clarify the reason for the HSRG additional funding request but was not able to provide specific answers in response to all questions raised by CBFWA Members within the meeting.

Rob stated that NOAA has provided strong support for the HSRG project and expects the project results to produce scientific recommendations for NOAA's consideration in the Mitchell Act and the Federal Columbia River Power System (FCRPS) BiOp hatchery portions for all action agency funded hatcheries.

After much discussion, the Members agreed that the HSRG was an important project; however, the Members expressed that they spent a great deal of time developing a list of critical and essential projects that require funding. The projects on that list, as communicated in the letter to the NPCC and BPA on November 21st, have undergone intense scrutiny in the process of solicitation and review. Detailed information on the HSRG project was not readily available; therefore, not all of the members felt comfortable adding it to the critical and essential list at this time.

Nate Pamplin, Washington Department of Fish and Wildlife (WDFW), expressed that from WDFW's perspective they have scrutinized this project enough to feel comfortable that it should be funded along with the rest of the critical and essential projects but that they understand the concerns of the other Members. Should the Members decide to respond, Nate stated that WDFW would agree to a response that does not cast doubt on the project but speaks to the process instead.

ITEM 7: Monitoring & Evaluation (M&E)

Brian Lipscomb recalled that at the November 7th teleconference, the Members directed CBFWA staff to develop an M&E framework for the current suite of projects as recommended by CBFWA. Ken MacDonald is working with a subcommittee to get this work completed in time to be a part of the overall consideration of amendments presented at the MAG workshop.

Referencing the NPCC December meeting agenda items pointing to M&E Guidance and an M&E annual report,

http://www.nwcouncil.org/news/2007_12/Default.htm, Brian stated that he has invited Tony Grover to the January Members' meeting to discuss NPCC's efforts and request clarification with regard to M&E.

ITEM 8: Upcoming Meetings

- The next Members Teleconference is scheduled for January 2, 2007.
It was agreed that the January 2nd Members teleconference will remain as scheduled pending a recommendation from the MAG workshop if necessary to petition NPCC for an extension of the Program amendment process. If an extension is required, the meeting will be moved at that time to later in the week or for the week of January 7th. If an amendment extension is not necessary, the January 2nd Members teleconference will be cancelled.
- The winter Members Meeting is scheduled for January 17-18, 2008 in Vancouver WA at the Hilton. Agenda will be forthcoming.
- The next Northwest Power and Conservation Council meeting is December 11-13, 2007 in Portland OR.

Meeting Adjourned.**Consensus Follow-up w/Members not in Attendance at December 5th Teleconference or Abstention Statement Follow-up by Brian Lipscomb, Executive Director****Item 3: Approve CBFWA Work Plan Pursuant to Coordination Definitions**

Action: The Members approved the draft letter to the NPCC recommending the CBFWA proposal for funding at 2.071M for FY 08-09 with edits discussed, pending approval of Members not present at meeting.

Sue Ireland, Kootenai Tribe of Idaho (KTI), advised that they are abstaining pending Tribal Council policy deliberation. Their Tribal Council will meet in January 2008. Brian Lipscomb will follow-up with Sue after the meeting to obtain their statement of abstention for the letter.

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Action: The Members directed Brian Lipscomb to develop the MOA with PSMFC working in consultation with CBFWA legal Council, Joe Mentor, Mentor Law Group, allowing the CBFWA Executive Director to supervise the FPC Manager. It was agreed that the Members delegate this responsibility to Brian with the understanding that unless something arises that could create a potential issue or controversy, Brian will not be required to bring this back to the Members.

Entity	Contact	Date	Method	Consensus?
BPT	Lawrence Schwabe	12/5/07	Phone Call	Item 3: Yes Item 4: Yes
Cd'AT	Alfred Nomee	12/10/07	Phone Call	Item 3: Yes Item 4: Yes
CSKT	Lynn Ducharme	12/7/07	Phone Call	Item 3: Yes Item 4: Yes
YIN	Paul Ward	12/7/08	Meeting in Yakama	Item 3: Yes Item 4: Yes
Col Tribe	Joe Peone & Bill Towey	12/6/07	Phone Call	Item 3: yes Item 4: yes
SPT	Tim Dykstra	12/6/07	Phone Call	Item 3: Yes Item 4: Yes
MFWP	Larry Petermen	12/6/07	Phone Call	Item 3: Yes Item 4: Yes
ODFW	Tony Nigro	12/6/07	e-mail	Item 3: Yes Item 4: Yes
KTI	Sue Ireland	12/6/07	Phone call & e-mail follow-up on letter.	Item 3: Yes