



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 government 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

FINAL

DATE: February 15, 2008
TO: CBFWA Members
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the January 17-18, 2008 Members Meeting

Winter Members Meeting Vancouver, Washington January 17-18, 2008

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

Final Action Notes

Day One – Thursday, January 17, 2008

Attendees: Chairman Larry Peterman, MDFWP; Cecil Dick, Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Jim Malatare, CSKT; Ken Hall, Gary James, Carl Scheeler, CTUIR; Brad Houslet, Elmer Ward, CTWS; Steve Yundt, IDFG; Dave Statler, NPT; Rob Walton, Elizabeth Gaar, Gary Sims, NOAA Fisheries; Tony Nigro, Tom Rien, ODFW; Claude Broncho, Hunter Osborne, Doug Taki, Kurt Tardy, SBT; Kyle Prior, Tim Dykstra, SPT; Dan Diggs, Mark Bagdovitz, USFWS; Bill Tweit, Nate Pamplin, WDFW; Gwen Spencer, Sapphire Strategies and Brian Lipscomb, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, Binh Quan, Trina Gerlack, CBFWA

Speakers & Guests: Dr. Richard N. Williams, Clear Creek Genetics; Chairman Bill Booth, NPCC; David Byrnes, BPA, Philip Key, BPA

Phone: Bill Towey, CTCR; Kerry Berg, NPCC

Time Allocation:

Objective 1. Committee Participation	50%
Objective 2. Technical Review	50%
Objective 3. Presentation	0%

Welcome and Opening Remarks – Dan Diggs, USFWS

Invocation - Claude Broncho, SBT

Introductions, Roll Call, and Approve Agenda

Action: A quorum was confirmed and the Members moved to approve the agenda as written. No objections.

ITEM 1: Changing of Officers

Dan Diggs, USFWS, passed the gavel to incoming chair Larry Peterman, Montana Fish, Wildlife, & Parks (MFWP) and the Confederated Tribes of Warm Springs (CTWS) will serve as vice chair, accepted by Brad Houslet.

Brian Lipscomb acknowledged Dan Diggs for his services in 2007 as the chair for the Members committee.

Action: The Members moved to accept the 2008 rotation of MFWP as CBFWA Chair and CTWS as Vice-chair. No objections.

ITEM 2: Review and approve draft Action Notes from the January 2, 2008 Members Teleconference

Action: The Members moved to accept the January 2, 2008 Members Teleconference draft action notes as final. No objections.

ITEM 2.5: Northwest Power and Conservation Council's (NPCC) Decisions

- Briefing on Coordination Funding
- Amendment Extension

Update: Brian Lipscomb reported that the Council members elected officers at the 1/15/08 NPCC Meeting. Bill Booth, of Idaho has been elected chair of the four-state energy and fish and wildlife planning agency for 2008 and Bruce Measure, of Montana was elected vice chair. Rhonda Whiting of Montana will continue as chair of the fish and wildlife committee; and Chair Booth has appointed Melinda Eden, Oregon, as chair of the power committee.

Brian stated that Chairman Booth is here and will be available to discuss the January 15, 2008 decisions. The NPCC approved the 60-day extension to submit amendments to the program, which are now due April 4, 2008. The NPCC's decided to reduce coordination funding and cut \$202,165 from CBFWA's budget for 2008-2009. Brian reviewed options outlined on the briefing paper. The MAG will need to meet to discuss coordination funding budget cuts as it relates to CBFWA staff and future meetings with NPCC and BPA.

Issue Briefing Paper on Coordination Funding -

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/Issue%20Briefing%20Paper_CoordinationFunding.doc

ITEM 3: Discuss Amendment Issues and Amendment Extension - Bill Booth, NPCC

NPCC website: <http://www.nwcouncil.org>

Discussion: Coordination Funding

Chairman Booth acknowledged everyone's hard work that went into the process of developing coordination definitions and project funding proposals. He did not feel it was the NPCC's role to make the decision but they had to because the sovereigns and managers did not have consensus. Chairman Booth stated that the NPCC agreed with the most findings that support the current funding model. The NPCC looked at the coordination definitions white paper and felt it was very good. The NPCC met with UCUT, spoke to the Kalispel Tribe, and reviewed other ideas.

The \$2.4M funding level has consensus by NPCC Members. The BPA suggested \$2M plus the USRT request. The NPCC set \$2.3M number and NPCC added \$160K for USRT. BPA agrees with this range. The NPCC Members reviewed three scenarios and chose scenario #1. They will hold to the \$2.4M level until next year or until the Program Amendment is finalized.

The CBFWA Members expressed great concern with the consequences and critical impacts of the NPCC's decisions.

Chairman Booth stated they are not open to future discussions on this decision. He stated that it would be difficult to review the NPCC decision and it is time to move on. The NPCC reviewed the spending history and found that previous year's budgets were under spent.

The Members asked Chairman Booth, What is the NPCC looking for from CBFWA?

Chairman Booth replied:

- Define coordination.
- How to measure coordination?
- What are the products/results of coordination? What do we get for the money spent?
- The F&W managers are the experts to define coordination.

- What are the sideboards?
- F&W Managers' consensus would be good.
- NPCC wants the best work for the money spent on fish and wildlife. The NPCC needs the F&W Managers to let them know what is and what is not working, look at all work, use the best tools out there, and get work on the ground.

The Members stated that they developed recommendations to the NPCC and BPA and have concerns that no deference is made to F&W managers as stated in the Power Act. The NPCC creates new steps to stop the F&W managers' progress. The F&W managers are achieved consensus on coordination, but their recommendation was struck down and they are told to with live with the decision and move on.

Chairman Booth understands, but disagrees with the F&W managers' definition of the deference issue. We all have deference when looking at the roles. We have to set budgets, make project recommendations to BPA using a science review, insure dollars are spent right, and set a reasonable budget.

The Members stated that the F&W managers thought they defined coordination for the NPCC when they produced the Regional Coordination proposal from the efforts of 17 members of CBFWA. Did the NPCC disregard or ignore the CBFWA model and budget that was supported by 17 members of CBFWA?

Chairman Booth stated that the NPCC will need more information on principals for coordination, budget, and functional issues to fit coordination in a box.

Discussion:

Amendment Extension

Chairman Booth stated that the NPCC agreed to a 60-day extension for the deadline to submit recommendations to amend the Program, which are now due April 4, 2008. Chairman Booth praised and thanked the F&W Managers for their work and helping the NPCC with the Amendment process. The Members are concerned that the recommendations are not perceived as representing the member agencies and tribal sovereigns policy positions.

Chairman Booth said that the NPCC will take a day to hear concerns after the comment period and all recommendations are received. Notify him and he will get CBFWA on the NPCC's agenda. The Amendments will be ready by the year end for the Power Plan.

- NPCC's Amendment Timeline:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/NPCCamendmentTimeline011608.pdf

Action:

The Members directed that the MAG and staff to review Brian's briefing paper on coordination funding, consider the options, and discuss where to from here.

1. Develop options for living within the NPCC's \$2.4M budget decision regarding what budgets to cut, structure to the organization, and deliverables. Discuss budget strategy options for task base analysis with cost analysis, define products, and deliverable based budgets.
2. Develop options and discuss strategies for follow-up communications with NPCC regarding budget consequences and a request to NPCC to reconsider their decision given the consequences. Discuss how does CBFWA relate to these other organizations and how does CBFWA represent its sovereigns members of its organization?

ITEM 4:

CBFWA Program Amendments Scope and Direction – Tom Iverson, CBFWA & Gwen Spencer, Sapphire Strategies

Talking Points:

Due to time restrictions, Gwen briefly highlighted the draft communication tools/talking points for the F&W Manager's Amendment Recommendations regarding the Program. She stated that the MAG reviewed the talking points and their comments have been included and staff will continue to update the draft as they progress. Some of the key elements and messages in the document are

inherently the authority of the fish and wildlife members, deference owed to the fish and wildlife members, highlighting adaptive management, and building on the 2000 Program.

- Communication Tools - Talking Points:
http://www.cbfga.org/Committees/Members/meetings/2008_0117/CommunicationTools_TalkingPoints1.16.08_d7.doc

Outline
Presentation
Overview:
Discussion:

Tom Iverson reviewed the strategy for submitting meaningful Amendments into the Program, defining the Members role, and defining the Program as envisioned in the Act. The technical committees' did not have enough time to complete a comprehensive package. The 60-day extension allows CBFWA to engage and provide a meaningful recommendation.

Tom presented the outline for the comprehensive package and opened the discussion for guidance from the Members on the following: 1) do the Members have agreement on the scope and direction of the CBFWA amendments; 2) do the Members have agreement on the timeline for reviewing and sharing products; 3) have the Members defined the right pieces and are the fish and wildlife managers sending the right message?

2-page Draft Outline – January 14, 2008:

[http://www.cbfga.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08\(outline\)_d1.doc](http://www.cbfga.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08(outline)_d1.doc)

The rest of the document is very draft. Sections relating to the Data Management Strategy, Wildlife, and Coordination, were handouts at the meeting, and they are 90% complete.

Reference document: NPCC 2000 Program table of contents:

http://www.cbfga.org/Committees/Members/meetings/2008_0117/npsc2000programTOC.pdf

In December, the working groups were considering editing the existing 2000 Program and as they started putting together their comments and aligning them with the table of contents from the 2000 Program and mainstem amendments, they realized it is not necessarily the F&W managers' role to write the fish and wildlife Program, but their role is to make recommendations of what should be included in the Program.

The MAG made a major shift, regarding their perception and intent in submitting comments and suggesting changes to the current Program without necessarily providing comprehensive edits to the Program. The MAG working group started reworking the table of contents, what issues and topics need to be included in the amendments and focusing on what elements to include in the Program. F&W managers will provide that information to the NPCC and rely on the NPCC staff to assemble it and write the Program.

Brian explained the transitions from a month ago to update the Members on what the MAG and technical committees met to discuss a years worth of defining what the F&W managers' want. He asked the Members, what is it that we need to ask the NPCC to do from the aspect of Amending their Program? Tom Iverson put together a strawman for that conversation and the MAG reviewed it and decided that what had been developed needed to be adjusted to define, what are we asking for and how should that be communicated.

After several meetings, the MAG and technical committees developed a way to talk through these issues, which Tom organized into the presentation and new outline for your review.

Brian advised the Members to always be thinking of the Program Amendments in terms of the message you want to say from the standpoint of, here is where we want the Program amended; To say what? What is your recommendation? Keep it in that context.

In the past, we have been discussing how and what the Program should look like. This is a subtle difference in perspective and how the words are put on the page and a big shift from our discussions to what we are finally recommending. We need to clearly communicate our adaptive management theme, architecture for the Program, and what needs to change, so that it is in the Program. How does that work from local population or subbasin perspective?

The F&W managers' recommendations are fulfilling their statutory responsibilities provided in the Northwest Power Act for submitting measures and objectives as guidance for development of the

Program recommendations that are consistent with the existing plans of the F&W managers. Working collaboratively to submit unified consensus base recommendations is the goal.

1.0 Introduction

Presentation Fish and Wildlife Managers Program Amendment Recommendations:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/CBFWA_MembersAmendRec011708.ppt

Tom gave an overview of the Fish and Wildlife Managers Program Amendment Recommendations presentation, concentrating on history, Members Actions from February 2007, the technical committees' presentation, the directive to identify the BPA obligations, successful outreach strategy with outside interests to eliminate any surprises when submitting recommendations.

Rob Walton, NOAA stated that it would be very difficult for NOAA to participate in addressing BPA obligations, but is open to discussion. Brian stated that after several discussions they opted to quantify, relatively speaking, the limiting factors where enough information is available. Specifically the anadromous fish arena where work was done using the AHA tool. Later Dave Ward will present those findings and provide an opportunity to address concerns surrounding this issue.

Tom summarized the goal with this amendment is to move from talking about adaptive management to start implementing the architecture and processes to accomplish adaptive management within the F&W Program.

Tom directed the Members to the draft outline and table of contents. Each section refers to what will be included in the draft recommendations for Amendments. Tom envisions an outline that provides the language that the F&W managers recommend that the NPCC include in the Program. CBFWA would submit this outline, within each section CBFWA would provide a narrative that describes what it is that we want in the Program. In some cases, CBFWA may ask for specific language others we may provide guidance or suggestions.

2-page Draft Outline – January 14, 2008:

[http://www.cbfwa.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08\(outline\)_d1.doc](http://www.cbfwa.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08(outline)_d1.doc)

Maintain the integrated Program, so all BPA funding goes through the common Program and all actions are linked together that are occurring in the subbasins. The scope of the Program is broader than BPA. The Program should be larger than BPA to address all hydro impacts on the Columbia Basin, include all recovery actions, and to provide the full context of what is accomplished in the basin and who is responsible for other actions besides BPA.

The bulk of work from came from the population scale, all limiting factors, measures, population scale actions identify all came directly from the recovery plans. The subbasin plans are already in the Program and will be updated.

Rob Walton, NOAA suggested that CBFWA look at all Federal actions as potential recommendations to the NPCC.

Tony Nigro stated, assuming we have consensus around the table.

Tom stated, the way the recommendations are structured is very similar in structure to the Recovery Plans and BiOp, which will make it easy to combine and manage the sections and recommendations.

Tom stated that BPA's obligations should be specific in the Program because it is hard to guide funding when definitions are general. The BPA obligations are a loaded term and causes concern. It is important that all actions are being done are recorded in each subbasin and which actions would be appropriately implemented by BPA.

**Working
Lunch with
Speaker**

Dr. Richard N. Williams, Clear Creek Genetics presented a review of the outcome of the Science-Policy Exchange and evaluation pursuant to adaptive management.

Brian Lipscomb stated that Dr. Williams was instrumental in making the September 2007 NPCC's Science-Policy Exchange conference focus on hypotheses and questions that are inherent in the Program, as it exists today, including the evaluation aspects as is would fit into adaptive management cycle.

Dr. Williams credited Brian Lipscomb for his contribution to the conference regarding his vision on format and products.

Dr. Williams highlighted his summary of the presentation he gave to the NPCC.

Presentation - Policy Implications from the NPCC's Science-Policy Exchange:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/Sci-Policy%20Exchange%20for%20CBFWA_1-17-08.ppt

Dr. Williams supports Brian Lipscomb recommendation for the NPCC to schedule a comprehensive Science Policy conference to discuss resident fish and wildlife issues at the beginning of the first faze of the Program.

Dr. Williams has requested the F&W managers help tackle the problems and assist in directing science management.

**Continue
Outline
Presentation
Overview:**

CBFWA Program Amendments Scope and Direction – Tom Iverson, CBFWA

2-page Draft Outline – January 14, 2008:

[http://www.cbfwa.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08\(outline\)_d1.doc](http://www.cbfwa.org/Committees/Members/meetings/2008_0117/2008ProgAmend_01-15-08(outline)_d1.doc)

Discussion:

2.0 Adaptive Management

The second part of the outline is related to processes, add adaptive management principles, define processes, build framework to set priorities, select projects, identify hypothesis, M&E program, and collect and report information. Describe how to implement adaptive management into the Program.

The basis of the recommendation is establishing the scientific linkage at the population scale from the biological objectives to the limiting factors to threats to strategies, to the measures. Describe how the framework functions.

The key to adaptive management is having clear biological objectives. Adaptive management is implied in the current Program but inadequate. The foundation is there to support it, but silent.

The overarching biological objectives will be supported by the Columbia River Basin objectives from the mainstem amendments SAR's linking them with the population scale objectives, to build provincial level objectives. Anadromous fish information will come from subbasin scales, resident fish information is at mid level scale and insufficient, wildlife has construction inundation ledger, but missing operations. More information is needed to complete the measures.

The Power Act calls for F&W managers to recommend objectives for the hydroelectric projects. This is new and we need to consider looking at survival metrics, spill passage efficiencies, restricted zones to restricted zone survival, for each project. It is in your authority to weigh in on this and should be able come to consensus on most of it. The CBFWA committees will prepare a draft for Members review.

The biological objectives as the basin level have gaps in information. There is operational loss estimates for wildlife and resident fish and these two efforts can be linked and they are measuring the same thing.

3.0 Programmatic Strategies and Measures

This is where the managers should weigh in on clean water act implications, actions to reduce toxins, implement monitoring to evaluate toxic impacts as a habitat variable.

Discuss implementing measures to address population growth with assumptions and tools used in planning exercises. Suggest measures to allow funding for development of tools to incorporate into planning process.

Add language to the Program to address the spread of aquatic nuisance species.

Hydropower operations in the mainstem amendment part of the Program will be included in this section. FPAC is working to provide information on this section and possibly tied to the BiOP at some level.

Explore language for a measure to direct the NPCC to accumulate all required actions under FERC licenses in one place to see all actions being done in each subbasin, projects, and BPA. Track this information in the SOTR.

CSMEP has been working hard on developing the comprehensive M&E plan for anadromous fish, how to get the information out, and present it to the decision making processes. Add the data management strategy to the Program. The measures are consistent with our two year proposal, but need fine tuning especially when it is aligned with the research plan. Review assumptions and research plans in the Program and identify measures for on going work.

The F&W managers could add the F&W Manager Coordination definition document into the program and rely on it to move coordination forward. Consider adding funding levels into the Program recommendation. It is called for in Power Act and it is the only place the Act mentions funding.

4.0 Anadromous Fish

Tom quickly reviewed sections on harvest management, review US v Oregon implications over the next five years, review report by Ad hoc Supplemental Group on artificial production to tie the projects together, Salmon steelhead measures by province, discuss estuary model, and Lamprey. The Lamprey section should include existing information like the Critical Uncertainties document that was approved last year for basinwide priorities. Other measures will be promoted for individual subbasin from other parties.

Later, Dave Ward provided a presentation on anadromous fish.

5.0 Resident Fish

Later, Neil Ward will present a summary on resident fish.

6.0 Wildlife

Tom asked that the group review the wildlife piece in the packet. More discussions and decisions need to be made in this section, but it is very close to completion.

7.0 Implementation Funding Information

Implementation funding may be better captured in the adaptive management process description. Is it appropriate to define policy decisions made for in-lieu, carryover, use of borrowing authority, and developing the rate case.

In regards to the in-lieu funding restrictions, the hydro system is there it has effects from an operational standpoint; you cannot overcome all effects. Look to restore habitat to offset those damages. The Power Act allows for that, but it puts restrictions on BPA stating that they cannot do that when an in-lieu occurs. It is part of the strategy, the Tribes and agencies need to articulate what that in-lieu situation is, how can it be defined pursuant to the Act, and articulate how you can assure the measure implemented in the Program don't fall into that restriction.

The AHA analysis will give a relative quantification of the amount of habitat work you could consider to offset the relative amount of hydropower impact in any particular population, but it does not tell you if a particular habitat action is already required and funded by another entity.

The Members need to have discussion on the in-lieu issue. Rob Walton, NOAA and Dan Diggs, USFWS both noted that defining in-lieu has a legal interpretation and can be problematic for some members. We need to stay focused on all the biological aspects of these amendments and avoid

the issues that will be problematic in terms of timing and stop us from completing our work.

Tom Iverson is currently working with the NPCC and BPA staffs brainstorming how to do the next project selection process. Whatever is developed there he will bring back to the Members for review and direction on consistent concepts behind long-term agreements, BiOp and other aspects.

Before the April 4, 2008 deadline, Rob Walton requested a list of important issues, i.e. long-term agreements, for discussion on how some of those agreements may be incorporated as recommendations from individual members or CBFWA as a whole. It would be good to include placeholders of the agreements and the member would be asked if they want to submit it as part of the CBFWA recommendation.

This is the summary and issues that the CBFWA want to change in the F&W Program. Next steps are to develop all of these recommendations, review all the sections, and to get consensus on what we can and remove the piece where we cannot agree.

Tom stated if there are fundamental flaws in the scope and direction that compromised the product, provide direction to the staff now.

Gary James suggested reviewing broken processes, clarity on biological objectives, review project selection process and discuss partial solicitation by geographic areas by provinces, instead of reviewing 500 projects at once. Review groups of projects in subbasins that gets ISRP involved in a smaller group of projects to understand the linkages. If projects are baseline, O&M in nature, and continue on the same scope, perform an abbreviated review to save time. The idea is less process and more time implementing to get projects on the ground to achieve those objectives and measures identified.

Tom reminded the group of the September 2007 meeting in Polson, when the Members set project selection principles, potential timelines and how to integrate program amendments with the rate case and the next project selection process, and identify many of Gary's concerns. Tom has shared that information with the staffs of NPCC and BPA. Tom has suggested they complete a program review of ongoing work first. Define long-term commitments and take care of those first. Do targeted solicitations, RFP's for specific areas and actions.

Brian Lipscomb informed the Members of a report ISAB gave to the NPCC on the Effectiveness of the Water Transaction Board which is a flexible funding mechanism where BPA provides dollars to a private nonprofit to acquire water and keep it in the streams across the basin. This a programmatic approach to project implementation rather than a project level approach to program implementation. Meaning they allocate a certain amount of money for that effort and allows them to complete that effort. The ISAB articulated to the NPCC, there may be validity in providing and affording that same level of flexibility to the overall implementation of the Program, because it provides a solution to issues that need quick responses. Brian suggested the Members look at the report from the ISRP to NPCC regarding other mechanisms for project implementation, programmatic review, and programmatic adjustments for a more efficient process.

Brian suggested that the Member think about what assignment they will give the MAG, how fast you need that assignment developed, and what date do you want to see the assignment allowing enough time for review and approval by your organization's policy folks.

Tony Nigro reminded the group to keep the priority on biology and science in the recommendations. The number one priority is limiting factors and biological objectives, research, monitoring and evaluation. As we move forward, keep these priorities in front to reach agreement.

Tom Iverson reviewed the timeline to complete the recommendations.

- Process Timeline

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/Amend_Timeline_Jan-April-2008.pdf

- Updated Process Timeline

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/Amend_Timeline_April4_2008b.pdf

Dave Statler asked Rob Walton how the Members would get the proposed actions, i.e. BiOp decisions for the recommendations. Rob has many questions, are there processes, like Lower Snake Comp, BiOp, U.S. v Oregon, and other elements that should be put on a potential list of recommendations?

Dan Diggs replied, there are many ongoing processes and it will be difficult to get full disclosure on all the processes and decisions and they may not be completed for the recommendations.

The Members discussed the difficult timeline strategy. They will look at what we have consensus on and work on positive processes. Stay focused on what we have already established.

**Members
Direction:**

The Members directed staff to complete the outline and assemble a first draft of CBFWA recommendations for review by February 1, 2008. The MAG and the Members will meet more often to review progress. Staff will continue outreach functions by meeting with other F&W managers, utilities groups, and BPA so they fully understand CBFWA's recommendations, what we are trying to accomplish, and receive their input. The Members will discuss the process and staff will set up the framework.

At the February 6 Members Teleconference the group will concentrate on one subject, the Amendment process. The MAG will meet January 29 and the Members will teleconference every two weeks. The Amendment construction period will be discussed at dinner tonight to prepare for tomorrow's meeting.

ITEM 5: Review Draft Authorities White Paper – Joe Mentor, Jr., Mentor Law Group, PLLC

**Presentation
-Discussion:**

Joe Mentor informed the Members that in the next few weeks he is going to put the draft white paper in a format to distribute to the science folks and law schools in the region for review and publication.

The draft white paper is not a decision document for CBFWA. It is a background piece that summarizes the Northwest Power Act, the role of the fish and wildlife managers in the amendment process in preparing the F&W Program, and traces the history of implementation of the Act including case law occurring during the time since the Act was first passed in 1980. A major addition is a section that explains selective issues in connection with the 2008 amendment process summarize the law behind the positions. The issues include, scope of the program measure recommendations, how does the program relate to the ESA, memo on BPA's in-lieu funding policy, wildlife crediting, Fish Passage Center controversy, relationship between the Program and BPA rate proceedings. The basic conclusion is the Northwest Power Act calls for the NPCC to provide deference to the fish and wildlife managers with regard to recommendations for the measures to be included in Fish and Wildlife Program. The case law that has developed since the first program was adopted and clarifies the nature of that deference. There is no difference between recommendations under the Act that addresses programmatic recommendations and project specific recommendations. The law provides the same deference for your recommendations regarding implementation of the Fish & Wildlife Program as it does with other recommendations. A cost of the implementation is important to put on record.

Originally, the draft white paper was prepared to provide information on the amendment cycle of the Fish & Wildlife Program and provide background on that process. The draft white paper will no longer be prepared for CBFWA, but for Joe Mentor, Jr., Mentor Law Group, PLLC.

Joe Mentor has revised the draft several times, and will send staff the final CBFWA draft white paper to be included in the meeting notes. He is open to discussions and accepting feedback on the draft white paper. BPA has not responded to the draft white paper. The draft white paper contains a variety of positions and opinions consistent with policy decisions made over the last ten years.

Rob Walton stated he is fine with Joe Mentor's publication of the white paper but it must state that it does not reflect the legal opinions of individual Members. The federal attorney's may not support CBFWA version or extracting pieces from the white paper for the recommendations.

Joe Mentor expressed two fundamental questions for Members to answer with regard to how you move forward in preparing those recommendations that are discussed in the draft white paper and provides the background for the issues:

1. Will you or will you not provide recommendations for the Program that go beyond the level of discussion in the 2000 Program. Do you want to include project specific recommendations in some manner in the Program or not?
2. Will you or will you not get into realm of implementation? The fish and wildlife managers have the expertise and therefore the deference to do so, but there are variety of issues that need to be addressed, i.e., carryover funding, capitalization, wildlife crediting. These are not biological issues but funding and management issues.

Joe approved support of the fish and wildlife managers to articulate their recommendations, whether there is a consensus to carry them forward into a program recommendation is another matter, but is it a worthwhile exercise.

Joe Mentor stated the purpose of the CBFWA draft white paper is to help articulate recommendations for the program, find consensus on measures, highlight the deference issue to F&W managers, produce a record, and identify changes in 2000 Program, i.e., NPCC removed project selection from the 2000 Program.

At this time, NOAA Fisheries cannot support the draft white paper for the recommendations, but are open to discussing excerpts from the CBFWA draft white paper for the recommendations.

The Members requested a review of the CBFWA timeline and the whole amendment package to decide what they can use and what they cannot, concentrating on priority recommendations that support biological and scientific items, deference to the F&W managers, and less attention on the lower priority recommendations like process, legal implementations and non consensus issues.

Mark Bagdovitz informed the Members of the MAG's December discussion on forwarding the draft CBFWA white paper for Members approval. The MAG decided not to do that, but to decide how they were going to use the draft white paper. The MAG settled on seeing how it goes.

Larry Peterman directed the staff to include parts of the draft white paper in the draft recommendations for all CBFWA to review and decide where we agree.

ITEM 6: Review AFAC and RFAC Draft Amendments – Neil Ward and Dave Ward, CBFWA

CBFWA Development of Anadromous and Resident Fish Program Amendments Presentation:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/AFAC_RFAC_Amendmt_SummaryForMembers.ppt

Presentation: Anadromous Fish

Dave Ward reviewed the technical committees' assignments from last year, to define focal populations, biological objectives, strategies, and verify limiting factors. The AFAC is working on populations for subbasin specifics, linking subbasin objectives to regional program goals, and identifying BPA obligations. The goal was to develop strategies and specific measures for the Program. Dave presented the population or subbasin specific level of measures for anadromous fish. Our vision is that measures would be easily addressed by projects. The AFAC used the All H (Habitat, Hydro, Harvest, Hatcheries) Analyzer (AHA) tool to help answer these questions. The AHA tool is a life cycle accounting tool and inputs for all the H's. The main use of the AHA tool was to point us in the right direction on prioritizing potential suites of measures and define which suites of measures would get the best response for each population. The AHA tool defined which H or combination of H's seem to be the most important limiting factors for a particular population.

There were several AHA workshops throughout the basin using the AHA tool. Moberand-Jones & Stokes facilitated the workshops. Once the AHA tool was set up, we entered potential future scenarios to look at responses of the populations. A lot of work went into developing potential inputs and evaluating the outputs.

Dave presented results from the AHA workshops, including seven scenarios for a couple of

example areas and populations. The Scenario #1 is basically a no hydro passage impact scenario. Both juvenile and adult survival estimates were entered from a pre-dam condition. Scenario #2 is the current situation. The current scenario is a value of one and everything is relative to that. Scenario #3 used the draft 2008 BiOP estimates of survival. Scenario #4 was the same except for increases in survival due to “Phase 1” tributary habitat actions. All habitat measures were considered desirable and feasible by the managers. Scenario #5 included more extensive, or “Phase 2” habitat actions. Scenario #6 is the same, except the managers were given the option to do some changes to hatchery operations. Scenario #7 added a more aggressive non-breach hydro option or BiOp plus.

Look at this analysis as if you were somehow able to increase productivity or increase survival, this is the response you would see in the population. We are not targeting any specific actions with any of these scenarios. Note that harvest is the same all the way through, except the AFAC did decide to look at a no select harvest scenario at a rolled up province level. The AFAC performed this exercise to look at limiting factors to review and build on strategies and actions.

Dave presented results for individual populations and also rolled-up for 29 populations. The rolled-up abundance is not the best record, look at your individual population counts. In the first Scenario, there is no fish passage impacts, and the other Scenarios #2-#7 compare to that, to reach the same response.

Each graph represents each of the 29 populations for all seven scenarios to reveal how many populations under scenario #2-7 had abundance and productivity values equal that they achieved under scenario #1. Scenario #1 is the benchmark.

The AHA results for limiting factors/threats, strategy and measures will be ready for review at the end of the month

Discussion: After a long discussion surrounding the AHA analysis and scenarios #1-7, the Members requested that the AFAC and MAG meet to determine how to better simplify, clarify, and define the analysis. Some topics for discussion are to review a different way to record abundance. What is the difference between “Phase 1” and “Phase 2”? What are the recovery timelines? What is a reasonable measure for abundance vs. productivity? Add current and enhanced habitat capacities for all populations. How to connect regional program goals to population scale? What is the correct program goal? Is it quantity and quality of fish numbers or is it numbers of fish and numbers of fish populations? Review the roll-up for the provincial scale. Discuss how to present the analysis to the NPCC and what to do with the results.

Presentation: Resident Fish

Neil Ward provided a review of a completed template for Lake Pend Oreille Kokanee for population estimates and harvest objective from objectives to solicitation. The review illustrated how the template is being used by the resident fish managers to identified focal species, populations biological objectives, status and trends, limiting factors, threat, strategy, and measures. Participants recommended that the managers should consider completing templates for mussels. Subsequently, Neil indicated that he would forward a blank mussel template to those that were interested.

The resident fish package is due February 1, 2008 and will be consistent with the anadromous fish package.

Action: Members moved to assign the MAG to schedule a meeting with the AFAC on the January 29, 2008 to move this amendment process forward with regard to anadromous to clarify the AHA analysis, scenario #1, review the provincial roll up and determine how to present it and what to do with the results.

ITEM 7: Monitoring and Evaluation Amendment Recommendation – Ken MacDonald, CBFWA

CBFWA Development of RM&E Amendments Presentation:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/ME_AmendmtRecmndToMbrs17Jan2008.pdf

Due to time restraints, this item was postponed until tomorrow or next meeting.

Action: The Members moved to review this item at the February 20, 2008 Members Meeting. No objections.

Dinner Work Session: Evening Work Session and Catered Dinner

- **Program Funding**

Discussion: During dinner, Brian Lipscomb gave a brief overview of the authorities of the Agencies and Tribes to speak to the costs of implementation of the fish and wildlife program and accounting of those costs in the development of the BPA rate case. The discussion was based on information contained in the draft Authorities White Paper and focused on how the Agencies and Tribes could consider exercising their authorities. Three areas were explored: 1. Program costs as program amendments; 2. Program costs provided in the development of the rate case; and, 3. Neither or both.

No actions were taken based on this discussion but there was general agreement that the inclusion of the essential elements of adaptive management need to be the focus of the Agencies and Tribes for the recommendations to the program. Once fully developed these would then become the basis for the Agencies and Tribes to construct a needs based budget and proceed to more effectively engage in the budgeting processes.

Day Two – Friday, January 18, 2008

Attendees: Chairman Larry Peterman, MDFWP; Cecil Dick, Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Lynn DuCharme, CSKT; Ken Hall, Carl Scheeler, CTUIR; Brad Houslet, CTWS; Michele DeHart, FPC; Dave Statler, NPT; Rob Walton, NOAA Fisheries; Tony Nigro, ODFW; Kurt Tardy, SBT; Tim Dykstra, SPT; Mark Bagdovitz, USFWS; Bill Tweit, Nate Pamplin, WDFW; Gwen Spencer, Sapphire Strategies and Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, Binh Quan, Trina Gerlack, CBFWA

Guests: Tony Grover, NPCC

Phone: Rhonda Whiting, NPCC

ITEM 8: Introductions and Recap of Day One Meeting

Tom Iverson summarized the evening work session and potential actions.

Actions: Members' directed MAG and staff to prepare a first draft of the amendment recommendations for the Members by February 1, recognizing that it will not be complete, but should provide plans for completing each section. The Members also directed MAG and staff to revise language in each section to be more descriptive concentrating on biological and scientific linkages that should be added to the existing Program.

January 29, 2007 – MAG and AFAC Work Session to set recommendations for F&W Amendment schedule/timeline and clarify AFAC amendment sections.

February 6, 2008 - Members Teleconference to review the F&W amendment recommendations, identify, clarify, ask questions, and discuss the priorities in the amendments. Executive Session FPCOB update.

February 19, 2008 – MAG Meeting to prepare F&W Amendment recommendations package for Members review.

**Actions
Continued:**

February 20, 2008 – Members (face to face) Meeting at CBFWA Office 9am-5pm to review draft amendment recommendation package prepared by staff for submittal to NPCC and review the monitoring and evaluation amendment recommendation agenda item postponed from the January Members Meeting. Executive Session FPCOB to review MOU.

March 5, 2008 - Members Teleconference to review final amendment recommendation package to focus on any problem areas and set aside any consensus issues for Members review. Send to Tribal Council for review and approval. The Tribal Councils require at least two weeks for final review for policy decisions.

March 18, 2008 - MAG Meeting for final review period and set up for approval of amendment package.

March 19, 2008 – Tentative Members Meeting date to meet face to face for final review on any revisions that may come out of the March 5 teleconference.

April 2, 2008 – Members Teleconference to wrap any loose ends, focus on the transmittal letter, and how to submit the package to the NPCC. All Members and F&W managers' comments that do not have consensus should be submitted separately.

April 4, 2008 – Due Date for the CBFWA recommendations for the F&W Program Amendment Package to the NPCC.

Rob Walton reiterated that some of the Members are negotiating with BPA and others on long-term agreements and is concerned that information will not be ready in time to incorporate them into the recommendations. The BiOp is due to court on March 18, 2008. NOAA Fisheries is reviewing thousands of comments and writing the final BiOp next month.

Mark Bagdovitz stated that if there are issues that fall off the table because CBFWA cannot reach consensus there should be sufficient time for other Members to recommend them separately or collectively.

Also, it was suggested that each CBFWA Member write a cover letter of support (17 letters) to attach to the recommendation packet. This issue regarding the level of support from the Members will be discussed at the February Members Teleconference. The Members directed the MAG to set their own schedule to meet the deadlines for the February meeting reviews.

ITEM 9: Fish Passage Center (FPC) and Fish Passage Center Oversight Board (FPCOB) Updates

1/14/08 FPCOB meeting minutes:

http://www.nwcouncil.org/fw/fpcob/meetings/2008_01/minutes.pdf

Mark Bagdovitz and Tony Nigro provided an update of the January 14, 2008 FPCOB Meeting. All board members attended and Bruce Measure chaired the meeting. They reviewed the language in the existing program, discussed how to improve it, and reached agreement on some of the language. Michele DeHart, FPC gave progress reports on quarterly and annual products, and discussed contract obligations. The FPC is operating under the 2006 extended contract and a new contract is needed for 2008. The FPCOB scheduled meetings for May 12 in Walla Walla, Aug 11 in Spokane, and November 17 in Coeur d'Alene.

Other meeting topics were:

- FPCOB to consider submitting its own set of amendments at it relates to existing language in the Program regarding FPC
- Board's opinion on language in Program and considering a technical advisory group to review FPC products and provide comments back to FPCOB
- Moving data management storage to DART
- How to respond to the language regarding FPC director management and performance review
- Review expectations of role of FPCOB

- The FPCOB will schedule a teleconference before May 12 to clarify actions where they agreed and discuss how to transmit the recommendations.

Actions: The MOU between Columbia Basin Fish & Wildlife Authority (CBFWA) and Pacific States Marine Fisheries Commission (PSMFC) expired in 1996. Brian Lipscomb and Joe Mentor are developing an MOU regarding the oversight performance review of the FPC director. Michele DeHart, FPC stated that there is a misconception. Actually, the performance reviews were completed and filed at CBFWA. In addition, Michele DeHart sent her performance plans every year, but this is an issue with the contract. The MOU issue has to be resolved.

The Members requested an Executive Session at the February 6, 2008 Members Teleconference to hear an update and discuss the draft MOU with CBFWA and PSMFC MOU.

The Members requested an Executive Session at the February 20 Members Meeting to review the draft MOU with PSMFC and CBFWA.

ITEM 10: Update Status of the Resource (SOTR) and Current Website – Neil Ward & Binh Quan, CBFWA

Discussion: Neil Ward reported that the next version of the SOTR will go out for review in the next few weeks. Neil indicated that CBFWA staff was working with NOAA in an attempt to accommodate the inclusion of additional information that has been provided by NOAA. In addition, Neil informed the participants that, per recommendations from users of the document, an executive summary would be included in this year's SOTR Report.

Binh Quan (CBFWA) demonstrated the interactive map of the region and various ways to retrieve data from SOTR website.

1. Focal species
2. BPA Fish and Wildlife Projects
3. Geographical Provinces

The site offers the user information to projects, funding levels, abundance levels, limiting factors, and more. The CBFWA will continue to build and enhance the SOTR website as information comes in.

The Members suggested that this SOTR overview and scope of the website be presented to the NPCC.

ITEM 11: Northwest Power and Conservation Council (NPCC) – Rhonda Whiting and Tony Grover, NPCC

- Update of the NPCC's plan to develop a monitoring & evaluation report

Discussion: Tony Grover thanked the Members for their work on the SOTR. He announced that the NPCC is planning to fill a FTE position to develop an annual monitoring and evaluation report. The first annual draft M&E report is due October 2008. The staff position can also work with CBFWA to do monthly co-presentations to keep NPCC informed on environmental, water and flow data and create a monitoring & evaluation appendix for the annual report to the governors. The NPCC would like a 1-page report taken from the SOTR on fish and wildlife status reports on certain areas of the basin for BOG reviews of within-year budget modification requests.

Rhonda Whiting stated that she is the Chair of the F&W Committee and will continue to work with the CBFWA on the amendment package.

Tony Grover stated that this will not duplicate M&E services done in the SOTR project but should compliment the SOTR by providing environmental information. This M&E report is harvest extensive information on water quality. This is a high-level report of 12-20 pages that will be attached to the expenditure report to track and attribute credit where credit is due. In addition, the report can help inform the NPCC in conversations on M&E.

Tony and Rhonda stated that the purpose of the report is not well defined. The first cut will be very draft. The second cut will create a summary for overall status of the basin and overview for

easy review. The Council Members directed NPCC staff to develop in one year a more efficient report. The NPCC will not be successful without CBFWA's help on this task.

The Members suggested that the NPCC use this position to help facilitate data management for the Program. This position could be used to build data management support that is consistent with information needs for managing the program. The Members offered to assist in drafting and designing the NPCC's M&E position description. Rob Walton stated that the NOAA Fisheries has R&ME position open too.

Tony Grover stated that he will focus more on wildlife issues and wildlife will be included in this work. The wildlife regional data is old and more attention to wildlife is needed.

Tony assured the Members that the NPCC's annual report will not diminished or discredit CBFWA's work on the SOTR. He could envision the SOTR as the "Google" of fish & wildlife data. Rhonda is supportive of respecting others' work products, identities, and roles, better working relationships, sharing staff resources, and regional successes.

Tony Grover is looking forward to working with CBFWA and will send a draft FTE position description to Brian Lipscomb for distribution to the CBFWA Members to provide input back to the NPCC.

ITEM 12: Official Appointment Letter Designating Each Tribe/Agency's CBFWA Committee Representatives for 2008

- Each Tribe and Agency of CBFWA complete the template designating a committee representative for the Members policy group, Members Advisory Group, Anadromous Fish Advisory Committee, Resident Fish Advisory Committee, Wildlife Advisory Committee, Fish Passage Advisory Committee, and an Administrative Assistant contact for the calendar year 2008.

Please complete the attached template letter and bring it with you to the meeting. Link to 2008 template at:

http://www.cbfwa.org/Committees/Members/meetings/2008_0117/CBFWAdesigneesCommunicationRequestSurvey122007.doc

Discussion: Chairman Peterman directed the Members to complete the template designating a committee representative for each CBFWA committee and send it to Trina Gerlack at CBFWA.

ITEM 13: Select Members Teleconferences and Meeting Dates, Time, and Location

- In 2007, the Members scheduled monthly standing Members Teleconferences for the 1st Wednesday of every month starting at 1:00pm to 4:00pm. The 2007 MAG Meetings were scheduled for the 3rd Tuesday of every month from 9:00am-Noon and the MAG was directed to set an agenda for the Members monthly teleconference meetings during their monthly MAG meetings.
- Confirm February 2008 Members Teleconference Date, Time, & Location - <http://www.cbfwa.org/calendar/calendar.cfm?action=fw>
- The 2008 Summer Members Meeting should be held in (*Members' Choice*) in Oregon (Pendleton, Joseph, Eugene or Warm Springs) to maintain the meeting rotation among the states. The NPCC is meeting: (*June 10-12, 2008 in Spokane WA, July 15-17, Montana - city not listed, Aug 12-14, 2008 in Spokane WA, and Sep 16-18, 2008 in Astoria OR*) (*as listed on the NPCC calendar 1/08*). *ATNI mid year conference May12-15, 2008, NCAI mid-year conference June with dates to be finalized, WAFWA Summer Meeting, North American Wildlife and Natural Resources Conference, March 24-29, 2008*

Actions: The Members moved to approve the 2008 monthly Members Teleconferences will continue to be first Wednesday for 1-4pm and the Members Advisory Group Meetings will continue to be the third Tuesday from 9am-noon.

In addition, the Members scheduled F&W Program Amendment meetings for the following months. The MAG/AFAC will meet on January 29, 2008, time to be determined. The Members

will meet face to face at the CBFWA office on February 20, 2008, from 9am-5pm and tentatively on March 19, 2008 from 9am-4pm. No objections.

**Action
Continued:**

The Members moved to approve the Summer Members Meeting to be a 2-day meeting in Pendleton, Oregon or Warm Springs, Oregon on June 24 & 25 or June 25 & 26. The Members directed CBFWA staff to collect information from both locations for hotel accommodations and available dates before they make a final decision on the location. No objections.

ITEM 14: CBFWA Office Move Update

<http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/EmailNotice0110085.doc>

Tom Iverson reminded the Members that the Columbia Basin Fish & Wildlife Authority (CBFWA) office is moving to the new location on the third floor of our current building beginning 1/18/08 through Sunday 1/20/08. The CBFWA office will open on Tuesday 1/22/08 at 8:00 a.m. Our new address will be 851 SW 6th Ave., **Suite 300**, Portland, Oregon, 97204, all other contact information will remain the same.

**Other
Business:**

Tim Dykstra is leaving Shoshone-Paiute Tribes on February 19, 2008 to start a new job at the U.S. Army Corp of Engineers (USACE) in the Walla Walla, District Washington to oversee fish passage and fish transportation issues.

Witt Anderson, USACE was promoted to Senior Executive Service for the USACE and his jurisdiction extends to the Missouri.

Steve Yundt is leaving Idaho Department of Fish and Game and accepted a new position with U.S. Fish & Wildlife Service in Boise, Idaho to work on Lower Snake Compensation Plan.

Mark Bagdovitz invited everyone at noon to cross the street to Ester Short Park and stand at Salmon Run Bell Tower and Glockenspiel to hear a Chinook Tribal Legend. The three-scene glockenspiel rotates to tell the story of a Chinook Tribal Legend.

Meeting adjourned