



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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

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

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

- Burns Paiute Tribe
- Coeur d'Alene Tribe
- Confederated Salish and Kootenai Tribes of the Flathead Reservation
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation
- Confederated Tribes and Bands of the Yakama Nation
- Idaho Department of Fish and Game
- Kootenai Tribe of Idaho
- Montana Fish, Wildlife & Parks
- National Marine Fisheries Service
- Nez Perce Tribe
- Oregon Department of Fish and Wildlife
- Shoshone-Bannock Tribes of Fort Hall
- Shoshone-Paiute Tribes of Duck Valley
- U.S. Fish & Wildlife Service
- Washington Department of Fish and Wildlife
- Coordinating Agencies**
- Columbia River Inter-Tribal Fish Commission
- Upper Columbia United Tribes
- Compact of the Upper Snake River Tribes

Final

DATE: May 16, 2008

TO: CBFWA Members

FROM: Brian Lipscomb, CBFWA

SUBJECT: Final Action Notes for the June 9, 2008 Members Teleconference

**Columbia Basin Fish and Wildlife Authority (CBFWA)
Members Teleconference
Monday, June 9, 2008
@ CBFWA Office, Portland OR (via WebEx)
1:00 p.m. – 3:00 p.m. PST**

All support material is posted at http://www.cbfwa.org/committee_main.cfm.

Final Action Notes

Attendees: Jann Eckman, Tom Iverson, Ken MacDonald, Kathie Titzler, Neil Ward, Patricia Burgess, CBFWA

By Phone: Brad Houslet, CTWS; Lynn DuCharme, CSKT; Bill Towey, CTCR; Ed Schriever, IDFG; Dave Statler, NPT; Elizabeth Gaar, Rob Walton, NOAA Fisheries; Tom Rien, ODFW; Claude Broncho, SBT; Jake Sellman, SPT; Mark Bagdovitz, USFWS; Nate Pamplin, WDFW; Brian Lipscomb, CBFWA; Joe Mentor, Mentor Law Group, PLLC

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

ITEM 1: Introductions and Approve Agenda

Time limits and the loss of a quorum at the June 4, 2008 teleconference prompted the Members to schedule this teleconference to review and complete the items that were still pending.

Brad Houslet, CTWS, served as chair on behalf of Chairman Larry Peterman, MFWP, and Vice-chairman Elmer Ward, CTWS. Brian Lipscomb requested time to provide an update on the letter to the Northwest Power and Conservation Council on the 7th Annual Report to the Northwest Governors.

Action: The Members approved the agenda with the update as requested by Brian Lipscomb. No objections.

ADDED ITEM: CBFWA Comments to the Northwest Power and Conservation Council (Council) on the 7th Annual Report to the Northwest Governors

Brian Lipscomb recalled that at the June 4th teleconference, the Members took action to finalize the letter commenting to the Council on their report to the Northwest Governors. Brian advised that to date the letter was still pending concurrence from three Members. During the meeting Brian received concurrence from the Shoshone-Bannock Tribe, with intent to follow-up after the meeting with the Burns Paiute Tribe and the Shoshone-Paiute Tribe. Brian advised that the comments were due on Friday, June 6th but he added that submitting the letter after the end of the comment period should still be appropriate to receive consideration.

View final letter sent to the Council on June 9, 2008:

http://www.cbfwa.org/Committees/Members/meetings/2008_0609/GovernorsReportCommentstoNCC_060908Final.pdf

ITEM 2a: Comments on 2008 Program Amendment Recommendation

Brian Lipscomb began the discussion by stating that CBFWA staff prepared for Members review a letter with attachments containing tables displaying the inconsistency in recommendations by summarizing or providing excerpts from the Bonneville Power Administration (BPA) and CBFWA amendments, and offering the state and federal fish and wildlife management agencies' and Tribes' resolution to the inconsistencies. The transmittal also states where amendments are consistent. Brian stated that the condensed Section 4 Resident Fish amendment recommendation is also intended as an attachment to the transmittal letter.

CBFWA staff, Ken MacDonald and Neil Ward, reviewed the resident fish and wildlife tables. With regard to anadromous fish, Tom Iverson explained that the Anadromous Fish Advisory Committee (AFAC) was tasked with building a table that would link the subbasin level anadromous fish objectives and the basinwide anadromous fish goals. Per previous direction by the Members, the AFAC was working toward building a table that provided the association of the subbasin level objectives with the basinwide objectives that were more general. The AFAC began the task but some issues arose that need to be resolved and as a result the AFAC will not be able to complete the table in time for submittal with the comments. Tom advised that this explanation is provided in the amendment comment transmittal letter.

The Members discussed the contents of the letter and attachments and provided feedback and requested that CBFWA staff integrate the Members' edits into the letter and attachments prior to the final transmittal.

Action: The Members moved to accept the amendment comment transmittal and attachments as edited.

Abstention: Mark Bagdovitz, USFWS, stated abstention until he had an opportunity to further review the letter and attachments prior to transmission. The motion passed without objection.

Although a quorum was achieved for this meeting, Brian Lipscomb stated that he will follow-up with Members not in attendance.

Action: The Members directed the AFAC to proceed with the assignment to complete the link from the biological objectives at the population level and the programmatic objectives for anadromous fish. No objections.

Tom Iverson reviewed a presentation CBFWA staff prepared for the June Northwest Power and Conservation Council meeting and requested Members review and feedback. Brian Lipscomb asked the Members to approve that he, and/or a Member representative, provide the presentation to the Council at the June 2008 Council meeting. Upon review and further discussion, the Members requested edits to the presentation and approved the delivery of the presentation.

Action: The Members moved to direct Brian Lipscomb to deliver the presentation to the June Council meeting as edited, with assistance of any CBFWA Members in attendance. No objections.

Update: Final presentation provided at the June 2008 Council Meeting:
http://www.cbfwa.org/Committees/Members/meetings/2008_0609/MembActionsNPCCSpokaneJune2008Final.ppt

Item 2b: On May 22, 2008, the MAG moved to direct Joe Mentor to draft comments to the Council regarding the Public Power Council's (PPC) white paper "Legal Outline of the Requirements for the Northwest Power and Conservation Council's Fish and Wildlife Program" submitted with the PPC's Program amendment recommendations:
http://www.cbfwa.org/Committees/Members/meetings/2008_0609/5_Customer%20F&W%20Amendments%20-%20Legal%20Outline.pdf.

At the June 4th teleconference Joe Mentor reviewed a draft letter for Members review and comment. Although the Members agreed that a response was appropriate they did not agree on how specific the response should be. The Members directed Joe Mentor and Brian Lipscomb to work with Mark Bagdovitz, USFWS and Elizabeth Gaar, NOAA, when revising the letter for Members consideration on June 9th.

Joe Mentor brought back a revised letter for Members consideration. Within the meeting, Joe summarized the contents of the letter:

[http://www.cbfwa.org/Committees/Members/meetings/2008_0609/Comment%20letter_toNPCC_\(JoeMentor\)2008_06061.doc](http://www.cbfwa.org/Committees/Members/meetings/2008_0609/Comment%20letter_toNPCC_(JoeMentor)2008_06061.doc).

Mark Bagdovitz, USFWS, and Elizabeth Gaar, NOAA, advised that their agencies would not be able to participate in submitting the letter because the federal entities cannot allow CBFWA or Joe Mentor to represent them on legal matters; therefore, they would have to object to the action. Mark Bagdovitz added that only the U.S. Department of Justice can render opinions on legal matters involving federal agencies.

The Members discussed alternate ways to respond and it was agreed that Joe Mentor would direct his comments in a letter to Brian Lipscomb. Once received, Brian will forward it to Members and if individual members wish to respond and submit Joe's comments, or Joe's white paper, as part of the record, they can do so.

Update:

On June 11th, Joe Mentor submitted his comments to Brian Lipscomb: http://www.cbfwa.org/Committees/Members/meetings/2008_0609/PPC_Recommendations_JMentorCommentLetter061108.pdf. Joe's comments were forwarded to Members via email on June 11th.

ITEM 3:

Bonneville Power Administration (BPA) FY 2009 & FY 2010-11

Tom Iverson reviewed a summary that CBFWA staff prepared on BPA's FY 2009 Budget Proposal for the WP-07 Supplemental Rate Case containing an analysis of BPA's presentation of FY 2009 Fish and Wildlife Costs.

Tom briefly summarized that BPA's FY 09 funding level equates to 200M for FY 09, reflecting an increase for funding of the MOA's, and also the first stage funding of BiOp projects, as identified in the RPA. Tom continued that although this is a significant amount of funding, it excludes balanced funding of resident fish and wildlife and holds the rest of the Program to the funding that has been provided for the last three years. Tom suggested that CBFWA encourage BPA to consider resident fish and wildlife and set the budget at what needs to be accomplished.

In November 2007, CBFWA sent a letter to BPA highlighting critical and essential projects that were unfunded. A follow-up letter reiterating the critical and unmet needs was sent to BPA regarding the FY 09 rate case. At this point in time, CBFWA is attempting to get the adaptive management framework that was submitted into the Council's amendment process integrated into the BPA rate case as the evidence and documentation to support funding of the critical and essential projects.

Tom stated that if this cannot be moved through under CBFWA, Members may want to review their critical and essential unfunded projects individually and attach them to the biological framework submitted in the amendment process to get them into the rate case. Tom added that the Golden Northwest rate case gives the fish and wildlife managers some deference with BPA in establishing costs.

For additional information, review the memo from CBFWA staff to the Members:

http://www.cbfwa.org/Committees/Members/meetings/2008_0609/BPArateCaseSummary060408.doc.

Due to time constraints, and in light of the comments by Members who have signed MOA's and comments regarding probable abstentions by NOAA and possibly USFWS, the discussion was referred back to the MAG's June 17th meeting with intent to keep it out front of the Members.

ITEM 4:

Predation Workshop

- A workshop on predation by exotic fish predators is included as an action in the draft Biological Opinion. At the May 20th meeting, the MAG recommended that CBFWA staff work with action agencies and others as appropriate to develop a workshop on predation.
- Draft Workshop Summary:
http://www.cbfwa.org/Committees/Members/meetings/2008_0604/PredationWorkshop_2008.doc

Recommended Action: Review and approve: 1) the draft workshop summary, and 2) CBFWA staff participation in planning and implementing the workshop.

This item was deferred to the June 25-26th Members meeting.

Update:

The predation workshop is tentatively scheduled for September 23, 2008 and will be presented to the Members for approval in July instead of at the June 25-26th meeting.

ITEM 5:

Summer Members Meeting June 25-26th in Warm Springs, OR

The recommended action for Members consideration was to approve draft agenda for June 25-26th meeting in Warm Springs, OR; however, due to time constraints the agenda was not reviewed. Brian Lipscomb stated that the agenda will be emailed to Members for comment. The agenda will be presented for final approval at the start of the meeting on June 25th.

Upcoming Meetings:

- The Summer Members Meeting is scheduled for June 25-26, 2008 in Warm Springs, OR.
- The next Northwest Power and Conservation Council meeting is scheduled for July 14-16, 2008 in Kalispell, MT.
- The next MAG meeting is scheduled for June 17, 2008, 9:00 a.m. – 12:00 p.m. via WebEx.

Meeting adjourned.