



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 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

This letter was approved by the Members on September 11th but not submitted on September 15th due to the extension of the public comment period to October 14th. (CBFWA staff learned of the extension on Friday, Sept 12th.) Brian Lipscomb recommends that the Members revisit their comments on October 1st and take the extension period as an opportunity to elaborate on their comments.

September 15, 2008

Public Comment Processing
Attention: 1018-AT50
Division of Policy and Directives Management
US Fish and Wildlife Service
4401 North Fairfax Drive, Suite 222
Arlington, VA 22203

To Whom It May Concern:

The Columbia Basin Fish & Wildlife Authority (CBFWA) is an organization whose memberships consists of the four state and two federal fish¹ and wildlife management entities and eleven Indian Tribes of the Columbia River Basin. As members of the CBFWA, whose mission is to protect, mitigate, and enhance the fish and wildlife resources and the ecosystems on which they depend, we want to submit our comments on the new regulations proposed by the Department of Interior (DOI) on August 15, 2008 that would modify the consultation requirements under section 7 of the Endangered Species Act (Act).

The Act was designed to protect critically imperiled species from extinction as a “consequence of economic growth and development untended by adequate concern and conservation,” and to protect species and “the ecosystems upon which they depend.” The Act also provides a regulatory framework that guides consultations. The DOI indicates that the new modifications to the Act are proposed to: 1) provide greater clarity and certainty to the consultation process and, 2) respond to the new challenges presented with regard to global warming and climate change. However, the proposed changes potentially eliminate the need for concurrence from the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS).

It is difficult for the fish and wildlife managers of the CBFWA to analyze the positive or negative implications of the proposed modifications to the Act in detail

¹ The U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS), and Idaho Department of Fish and Game (IDFG) are members of Columbia Basin Fish and Wildlife Authority; however, the USFWS, NOAA/NMFS, and IDFG did not participate in the development of this letter, take no position on the content, and have abstained.

Public Comment Processing
Attention: 1018-AT50
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Page 2 of 2

without having an adequate review period. The thirty (30) day public comment allowance is simply not enough time to conduct a sufficient review. It is also unclear to the Tribal members of CBFWA how DOI plans to comply with their obligation to consult with the Indian Tribes whose natural resources are or may be affected by the modified regulations of the Act.

In closing the fish and wildlife managers of CBFWA request that the review period be extended at least another sixty (60) days and that the consultation process with the Tribes on these proposed modifications to the Act be described and initiated within that time frame.

Sincerely,

Larry Peterman, Chairman
Columbia Basin Fish & Wildlife Authority

cc: CBFWA Members

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