



# 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](http://www.cbfwa.org)

FINAL

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

DATE: October 6, 2008

TO: CBFWA Members

FROM: Brian Lipscomb, CBFWA

SUBJECT: Final Action Notes for the October 1, 2008 Members Teleconference

**Columbia Basin Fish and Wildlife Authority (CBFWA)  
Members Teleconference  
Wednesday, October 1, 2008  
@ CBFWA Office, Portland OR  
1:00 - 3:00 p.m. PDT**

Meeting support material is posted at [http://www.cbfwa.org/committee\\_main.cfm](http://www.cbfwa.org/committee_main.cfm).

### Final Action Notes

**Attendees:** Bruce Crawford, NOAA Fisheries; Brian Lipscomb, Jann Eckman, Tom Iverson, Dave Ward, Neil Ward, Ken MacDonald, Patricia Burgess, CBFWA

**Phone/WebEx:** Larry Peterman, MFW; Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Gary James, CTUIR; Elmer Ward, CTWS; Michele DeHart, FPC; Jim Unsworth, IDFG; Dave Statler, NPT; Elizabeth Gaar, Scott Rumsey, Rob Walton, NOAA Fisheries; Patty O'Toole, NPCC; Tom Rien, ODFW; Carol Perugini, SPT; Dan Diggs, USFWS; Kyle R. Prior, USRT; Nate Pamplin, WDFW

<b>Time Allocation:</b>	Objective 1. Committee Participation	100%
	Objective 2. Technical Review	0%
	Objective 3. Presentation	0%

**ITEM 1: Introductions and Approve Agenda**

**Action:** The agenda was approved as presented. No objections.

**ITEM 2: September 3, 2008 Draft Action Notes & September 11, 2008 Draft Action Notes**

**Action:** The Members approved the September 3, 2008 Draft Action Notes & September 11, 2008 Draft Action Notes as final. No objections.

**ITEM 3: Request from NOAA fisheries for Member review and potential future adoption of anadromous fish data dictionary. NOAA will also brief Members on work to develop a Monitoring Guidance document and development of the anadromous fish monitoring strategy.**

Brian Lipscomb advised that this discussion is a continuation from a discussion held by the MAG on September 12<sup>th</sup> and that an action was not required at this time. Bruce Crawford and Scott Rumsey, NOAA Fisheries, participated in the meeting providing an update on NOAA's effort in developing documents to assist in their review of the evolutionarily significant units (ESUs) in the next five year review process which begins in 2010. Bruce advised that NOAA's efforts will culminate in the following three documents: 1) a data dictionary recognizing the basic metrics to be used within the various models to determine viability and the abundance and productivity metrics, 2) a monitoring guidance document, and 3) a collaborative monitoring strategy.

Bruce stated that in order to have a consistent approach to determine the status of the ESU's and distinct population segments (DPS) and to obtain the necessary information to do the evaluations, a collaborative approach with the agencies and Tribes is needed. Bruce stated that he will be contacting CBFWA Members individually and will be working through Brian and CBFWA staff. Scott Rumsey added that it is hoped that this data dictionary will provide a consistent set of terminology describing the indicators for abundance and productivity that is being collected, and consistent descriptions of the methods and procedures to derive at those indicators. Scott stated that once they get to that point, they can better share data to

build on the work of CBFWA and CSMEP to inventory the efforts taking place in the region and build a more comprehensive regional monitoring strategy. The data dictionary and the monitoring and guidance document will be rolled out at the Executive Summit scheduled for October 9<sup>th</sup>.

Brian advised that this will be the primary agenda item for the MAG's October 21<sup>st</sup> meeting with an expectation that the MAG would make a recommendation to the Members to adopt the data management strategy simultaneous with the SOTR mock-up at the December Members teleconference, or no later than the January 2009 Members winter meeting.

**ITEM 4: Proposed Changes to the Endangered Species Act Regulations – Comments Revisited**

In the September 3<sup>rd</sup> Members Teleconference, CBFWA staff advised of the Department of the Interior's (DOI) proposed rule to amend regulations governing interagency cooperation under the ESA. The Members held a special teleconference on September 11<sup>th</sup> and approved a final comment letter for submission by the September 15<sup>th</sup> deadline; however, on September 12<sup>th</sup>, it was learned that the DOI extended the public comment period to October 14<sup>th</sup>. As a result of the extension, the letter was not sent in order to provide Members with an additional opportunity to consider elaborating on the need for Tribal consultation.

CBFWA Staff Briefing Paper reviewed on September 3<sup>rd</sup>:

[http://www.cbfwa.org/Committees/Members/meetings/2008\\_0903/ESAproposedchangessummarydraft.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_0903/ESAproposedchangessummarydraft.pdf) DOI proposed rule:

[http://www.cbfwa.org/Committees/Members/meetings/2008\\_0903/ESA\\_ProposedRegulations\\_AT50P\\_R2008\\_08\\_13\\_FR.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_0903/ESA_ProposedRegulations_AT50P_R2008_08_13_FR.pdf) Draft Letter approved on September 11<sup>th</sup> but not sent due to public comment period extension:

[http://www.cbfwa.org/Committees/Members/meetings/2008\\_0911/ESAProposedChangesCommentLtrFinalDraft.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_0911/ESAProposedChangesCommentLtrFinalDraft.pdf)

Brian Lipscomb stated that explicit language contained in the ruling states that the DOI does not see need for consultation because it did not affect Tribal resources. Brian explained that this change would affect Tribal resources because within the Pacific Northwest, ESA rules do have an impact from many different respects on Tribal resources, not only with listed anadromous fish, resident fish, and wildlife in the basin, but on other listed species that Members deal with outside of the Program with each requiring federal consultation under ESA. Brian suggested that the Members redraft the letter to: 1) clarify that the proposed rules do have an effect on Tribal resources therefore consultation needs to be done before the regulations are considered for final adoption, and 2) to adjust the timeframe to accommodate the consultation but leave the specific timeframe open in the letter.

With regard to the substance of what the changed regulations ought to do is really more of a one-one conversation that the Tribes need to have with the DOI. Some Tribes may determine that the changes are beneficial. CBFWA staff just wants to make sure that a response is on record to provide time and opportunity for the consultations. We don't have enough time to vet common concerns and get into intense detail and still meet the deadline.

Nate Pamplin, WDFW, questioned whether the previously stated abstentions (i.e., NOAA, USFWS, and IDFG) would weaken the message and asked if CBFWA staff could provide a letter for individual Member comment containing text to send on their own letterhead. Brian stated that at the conclusion of the Sept 11<sup>th</sup> teleconference, the Members decided that even though NOAA, USFWS, and IDFG were not in a position to comment, a collective letter was still appropriate. Dave Statler, NPT, asked that a CBFWA consensus draft be made available ASAP so that the information contained therein may be used for individual letters. Brian stated that the draft will be available by Monday, Oct 6<sup>th</sup>.

**Action:** The Members moved to direct CBFWA staff to draft a collective letter from CBFWA Members as discussed. No objections.

**Abstentions:** USFWS/NOAA abstained. Nate Pamplin (WDFW) and Jim Unsworth (IDFG) want to see the new version of letter before making a determination.

**ITEM 5: Update on the September 26<sup>th</sup> Meeting between CBFWA Agencies and Tribes, Bonneville Power Administration (BPA), and Northwest Power and Conservation**

### Council (Council)

Brian Lipscomb provided a summary of the consultation meeting with BPA and the Council (requested by CBFWA Members in their correspondence on August 7, 2008: [http://www.cbfwa.org/Committees/Members/meetings/2008\\_0806/FinalLetter&Attachment\\_L.Peterman\\_to\\_MsrsDelwicheBooth\\_ReqforConsult2008\\_0807.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_0806/FinalLetter&Attachment_L.Peterman_to_MsrsDelwicheBooth_ReqforConsult2008_0807.pdf)).

After the consultation meeting was arranged, the Council released the draft Program for comment. Since that time, CBFWA staff initiated a review of the draft Program and comments to provide CBFWA Members with an analysis for their consideration at the CBFWA Members Teleconference scheduled for October 1<sup>st</sup>. As a result of this initial assessment, a number of questions arose with regard what Program measures have/have not been adopted and if they were not adopted, the reason(s) why. In addition, the Council indicated a desire to pursue long term work plans but the plan to move forward is vague.

CBFWA Members held a pre-consultation teleconference the morning of September 26<sup>th</sup> to discuss the strategy of approach.

Consultation meeting attendees included Council Chair Bill Booth and Greg Delwiche, BPA Vice President, Environment, Fish and Wildlife. In addition, Council Fish and Wildlife Division Director, Tony Grover, and Jeff Allen (from Bill Booth's direct staff), and Philip Key and Bill Maslen, BPA, were in attendance.

Chairman Peterman led the consultation conversation requesting clarification on the contents of the draft Program and how will that inform long term work plans. The consultation meeting concluded on the following three points:

- Bill Booth and Tony Grover were in concurrence with regard to Northwest Power and Conservation Council (Council) staff, CBFWA staff, and CBFWA agencies and Tribes staff meeting to review the CBFWA analysis of the draft Program to reach a mutual understanding and clarification of what is/is not in the Council draft Program. CBFWA staff will follow-up with Council staff to meet and review the analysis as early as Thursday, October 2<sup>nd</sup> with the intent that the CBFWA/Council staffs' assessment be complete in ample time to allow for CBFWA Members to formulate their comments on the draft Program.
- CBFWA Members will provide a definition in writing of the elements of a long term work plan.
- CBFWA Members' agencies and Tribes will decide and communicate if they want the Council to interact individually with the agencies and Tribes or collectively as CBFWA Members.

**Action:** The Members directed CBFWA staff and available MAG Members to confirm the assessment with Council staff (i.e., clarify what is/not in the Program, as soon as Thurs, Oct 2<sup>nd</sup> for completion in time for Members to use the information to formulate comments on the draft Program). No objections.

Brian Lipscomb reviewed a timeline as context for the following recommended actions. [http://www.cbfwa.org/Committees/Members/meetings/2008\\_1001/WorkPlanning10\\_09members.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_1001/WorkPlanning10_09members.pdf). (Items for consideration from a timeline perspective are highlighted in yellow.)

**Action:** The Members directed MAG to develop a definition of the elements of a long term work plan as requested by Greg Delwiche at the consultation meeting. No objections.

**Motion Discussion:** The MAG will develop the work plan elements at the October 7-8<sup>th</sup> meeting and will bring it back to the Members on October 15<sup>th</sup> with a recommended action. (See actions below calling for scheduling the special MAG/Members meetings.)

**Action:** The Members directed the MAG to provide a recommendation regarding agencies' and Tribes' participation in development of a long term work plan for consideration at the October 15<sup>th</sup> Members teleconference. No objections.

**Action:** The Members directed the MAG to adjust their meeting schedule to accommodate a two-day meeting on October 7<sup>th</sup> (10am-5pm) and 8<sup>th</sup> (8am-12pm) to review CBFWA/Council staff analysis/assessment and formulate comments to the Council based on that analysis for

Members consideration on October 15th. No objections.

**Action:** The Members scheduled special teleconferences for Wednesday, October 15<sup>th</sup> and Monday, October 27, 2008 from 1:00-4:00 p.m. and cancelled the Wednesday, November 5<sup>th</sup> teleconference. No objections.

Brian Lipscomb provided rationale for requesting a two week extension of the public comment period stating that the two week extension would not delay the Council's current schedule. However, Brian stated that he anticipates that the Members will require consultation to ensure comments are being accommodated. If Members request consultation within their comments, the Council's deadline for exparté may be extended. The Members decided to request a thirty (30) day extension to accommodate comments and consultation.

**Action:** The Members directed CBFWA staff to draft correspondence for Chairman Peterman's signature to request an extension to November 30<sup>th</sup> to accommodate comments and consultation. No objections.

**Update:** Letter from Chairman Peterman to Messrs. Booth and Delwiche sent on Oct 2, 2008: [http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/ConsultFollowUpfromLPeterman\(CBFWA\)toMessrsBoothDelwiche2008\\_1002Final.pdf](http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/ConsultFollowUpfromLPeterman(CBFWA)toMessrsBoothDelwiche2008_1002Final.pdf).

Members can listen to the entire meeting by downloading the audio session recorded via WebEx by selecting this link and downloading the session: <https://cbfwa.webex.com/cbfwa/lsr.php?AT=pb&SP=MC&rID=24055497&rKey=4A7F908FFE6CBA DB> (CBFWA/BPA/NPCC Consultation, September 26, 2008. The WebEx session recording began at 12:38pm so the first 20 minutes of the file may sound like open space; the meeting audio begins at 1:00 p.m.) Once the file downloads, you can scroll to segments of the meeting using the scroll bar at the bottom of the session screen. If you have any questions on listening to the recording, please contact Pat Burgess at [pat.burgess@cbfwa.org](mailto:pat.burgess@cbfwa.org).)

**ITEM 6: Comments on the Draft Fish and Wildlife Program Amendment**

This item was covered under Item #5.

**ITEM 7: Status of the Resource (SOTR)**

CBFWA staff has received extensive comments on the SOTR from Greg Delwiche, BPA and Greg has indicated that he has additional feedback to provide. Brian stated that the information received from BPA has resulted in a better document. A draft was provided to Council Member Tom Karier with a request for feedback on how the SOTR fits into the High Level Indicators (HLI) but staff has not received any feedback from Tom Karier at this point. However, Nancy Leonard, Council Fish, Wildlife and Ecosystem M&E Report Manager, is scheduled to meet with CBFWA staff on Friday, October 3rd.

Neil Ward, CBFWA, is working to capture, in the report and webpage, the hydro actions out of the BiOp from the standpoint of what is being done, what the expectations are, and how we are going to measure them. Brian advised that the SOTR mock-up will be on the agenda for Members consideration at the December teleconference or no later than the January face-face meeting.

**January 2009  
Members Winter  
Meeting:**

**CBFWA Members January 2009 Face-face Meeting:** CBFWA staff will present proposed dates and locations for Members consideration at the October 15<sup>th</sup> teleconference.

**Upcoming  
Meetings**

**October MAG Meeting:** Tues, Oct 7<sup>th</sup> (10am-5pm) and Wed, Oct 8<sup>th</sup> (8am-12pm)

**Oct/Nov 2008:**

**October Members Teleconference:** Wed, Oct 15<sup>th</sup> (1-4pm)

**October Council Meeting:** Oct 15-16th, Missoula, MT

**October MAG Meeting:** Tues, Oct 21st 9am-12pm (WebEx)

**October Members Teleconference** Mon, Oct 27<sup>th</sup> (1-4pm)

**November 5th Members Teleconference: Cancelled**

**Northwest Power and Conservation Council links:** [2008-2009 Program Amendments](#) and [NPCC Public Hearing Schedule](#) Draft Program comments due October 30, 2008.

**Meeting Adjourned.**