



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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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: December 10, 2008  
TO: Members  
FROM: Brian Lipscomb, CBFWA  
SUBJECT: Final Action Notes for the December 3, 2008 Members Teleconference

**Members Teleconference**  
Wednesday, December 3, 2008  
1:00 p.m. – 2:30 p.m.  
CBFWA Office, Portland OR (via WebEx)

Meeting support material are posted at  
<http://www.cbfwa.org/committees/Meetings.cfm?CommShort=Members&meeting=all>.

## Final Action Notes

**Attendees:** Brian Lipscomb, Jann Eckman, Neil Ward, Tom Iverson, Ken MacDonald, Dave Ward, and Trina Gerlack, CBFWA

**Phone/WebEx:** Vice Chair Elmer Ward, CTWS; Jim Unsworth, IDFG; Sue Ireland, KTOI; Dave Statler, NPT; Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Carol Perugini, SPT; Dan Diggs, USFWS; and Nate Pamplin, WDFW

**Time Allocation:**

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

**ITEM 1: Introductions and Approve Agenda**  
Vice Chairman Elmer Ward was acting chair in Chairman Peterman absence.

**Action:** The Members approved the draft agenda as written. No objections.

**ITEM 2: November 17, 2008 Members Draft Action Notes**

**Action:** The Members approved the November 17, 2008 Members Teleconference action notes as final. No objections.

**ITEM 3: CBFWA Presentation and Comments on the Northwest Power & Conservation Council (Council)'s Draft Amended Fish and Wildlife Program**

**Update:** At the Council's 11/18/08 meeting, Brian Lipscomb gave a presentation summarizing CBFWA comments on the Council's Draft Program.

A follow up conversation occurred with Chairman Booth relative to what the Council may consider doing with the agencies and Tribes comments. Prospective revisions to the Program will be reviewed with the Members to inform the potential consultation in item 4.

The final CBFWA comment package on the draft F&W Program (Introduction letter, Members signature page, Attachment 1. addressing specific changes to the measures, and Attachment 2. provisions for basinwide, anadromous fish, and resident fish tables of measures and their sources) was submitted to the Council on December 1, 2008. The Confederated Tribes of the Colville Reservation abstain. The Nez Perce Tribe and Confederated Tribes and Bands of the Yakama Nation signatures are pending. The 12/1/08 comments submitted by CBFWA are available at [http://www.cbfwa.org/Committees/Members/meetings/2008\\_1201/Final\\_CBFWAc ommentLtr-Attachmnts\\_ToNPCCProgram2008\\_1201.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_1201/Final_CBFWAc ommentLtr-Attachmnts_ToNPCCProgram2008_1201.pdf).

**Item 3  
continued -**

Brian Lipscomb stated, after he gave the presentation to the Council members on 11/18/08, that he scheduled a meeting and met on December 1, 2008 in Spokane, Washington with Chairman Booth, Tony Grover, John Shurts, Elmer Ward, Joe Mentor, Tom Iverson, to discuss in more detail the comments submitted by CBFWA and what the agencies and Tribes were expecting in changes to the draft Program. They made some progress in areas of incorporating the measures and appendices requested and the need for more details in areas where the Program discusses modifications to subbasin plans, subbasin management plans, and construction of multi work plans.

A follow up meeting was scheduled on December 2, 2008, with Tony Grover, Patty O'Toole, Brian Lipscomb, and Ken MacDonald to discuss more details and review a presentation on the potential processes for the Council's F&W Final Program. There are two areas left for discussion; the monitoring and evaluation (M&E) portion and the wildlife piece of the CBFWA comments. The Council is listening and willing to talk about the M&E portion, but they are not ready to discuss the wildlife issues. The Council is getting pressure from BPA and the customers. BPA states in their comments that the 1:1 crediting ratio is appropriate and contractually settled upon mitigation ratio that many fish and wildlife managers have agreed to it. BPA support their policy. The customers build on BPA's policy and believe they are finished with wildlife. Brian requested that the Members consider how they could advocate the wildlife issues and offset the pressure the Council is feeling.

**ITEM 4: Potential December Follow-up Consultation Meeting and Presentation between CBFWA Agencies and Tribes, Bonneville Power Administration (BPA), and Council**

**Background:** At the 11/17 meeting, the Members discussed the value of scheduling a follow-up consultation meeting and presentation with the Council, in Portland, Oregon. This is an opportunity for the Members to provide more detail on the process for updating the subbasin summaries, monitoring and evaluation, and wildlife sections of their comments. The consultation would be a back and forth communication about how the Council would accommodate the comments provided by CBFWA. The Council will have 3-weeks to review and develop language to address the comments provided by the fish and wildlife agencies and Tribes.

**Update:** Brian Lipscomb stated that the Council members have scheduled the follow-up consultation meeting with CBFWA Members to discuss the 12/1/08 comments on the Council draft amended Program submitted by CBFWA on December 10, 2008 around 2:15 p.m., after the December public Council meeting adjourns. The consultation meeting is not listed on their agenda.

**Item 4:  
continued -**

Presentation:

Tom Iverson gave an overview of the draft presentation on potential processes for the final Program linked at:

[http://www.cbfgwa.org/Committees/Members/meetings/2008\\_1203/PotentialProcessForProgram\\_120308.ppt](http://www.cbfgwa.org/Committees/Members/meetings/2008_1203/PotentialProcessForProgram_120308.ppt)

Tom stated that a bulk of the CBFWA comments were on the multi-year implementation plans (MYIP) and how to build the adaptive management framework into the Program. The focus is on implementation for adaptive management into the Program.

The draft Program came out with a substantial amount of process to replace the substance that CBFWA provided. The CBFWA letter proposed a process for the Council to identify the specific measures recommended by the agencies and Tribes in an appendix organized by population and strategy consistent with the original agencies and Tribes recommendations. Those measures would move forward with specific work plans through a process to develop integrated subbasin plans that tied in all the local planning documents to complete the Program by June 2009.

After a discussion with Bill Booth and Tony Grover, they support organizing the measures with an appendix in the final Program that has hyperlinks and references to the sources of all measures provided in the amendment process and that would be adopted into the Program in February 2009. The Council is planning to develop a six-month process to update only the management plans (objectives, strategies, & actions) within the subbasin plans, following the adoption of the Program. Tom stated that Bill and Tony understood what CBFWA is asking and realized that their Program language was not clear but not far from what they envisioned and close to what the fish & wildlife managers submitted. They will clarify which specific authorities can submit management plans within each subbasin and what the basis for subbasin plans are, which is the appendix or list of measures submitted for each subbasin. The intent after 6-months is to have updated management plans across the basin adopted into the Program through another amendment process similar to original subbasin plans adoption process. No one will be forced to update their subbasin management plans, but for those who choose to provide updates, there will be a process created to adopt updated management plans into the Program. Bill and Tony agreed to include and develop a basinwide management plan for mainstem/systemwide projects. They will begin adopting the management plans in the summer of 2009. Tom stated that the fish & wildlife managers should prepare to deliver management plans in time to feed into the FY 2010 funding decisions. Implementation for the next 5-years relies on the implementation plans within the subbasin management plans.

The Members questioned the Council's strategy to include references to sources as measures in the final Program.

Tom stated that they want to maintain the language in the Program and they are including all measures submitted in amendment process using references and hyperlinks in the Program. Brian added that Joe Mentor stated that the courts will support the measures referenced in the final Program as legally part of the record.

The Members would like to know what work is needed to complete the task of updating the management plans. The Members do not want to spend their time and efforts in a long drawn out process.

**Item 4  
continued -**

Tom stated that most of the work has been completed and ready to go. The framework for population objectives, strategies, limiting factors, and measures are completed. It's a matter of doing the public outreach process to be sure that all interests parties are involved in a public vetting for the work plan to be put in a format to be submitted to the Council.

Brian added there is a list of actions to be implemented with some work needed by groups of specific Members. If this is the list of actions, how will they be implemented over time and organized into an updated subbasin management plan with a multi-year implementation plan attached. This is consistent with the development of MYIP plans.

A Member requested that the management plans include recovery plans successes and efforts. The Members are ready to direct their efforts towards the implementation process. Brian stated that the Chairman Booth and staff share in CBFWA's concerns. Council would like BPA to be at the table to assist in discussions on the implementation process.

Brian gave an overview of the phases in the 10-year MYIP. The 2010-11 Rate Case is set but are we included in that timeframe. The 2012 and 2013 rates are not set yet and in 2013 the Program will be open for another opportunity to update subbasin management plans where needed and where recovery plans may have been developed over that timeframe. It will not be long before the 5-year check-in to finalize the next 5-years of work.

The Members asked if this presentation will be presented to the Council members at 12/10/08 consultation meeting. Brian stated that Bill Booth supports presenting the areas where there is agreement to Tony Grover. Brian, Tom, Tony Grover, and Patty O'Toole are schedule to meet on 12/8/08 to finalize the presentation and anticipate using that PowerPoint presentation as part of the consultation with Council at the December 10, 2008 meeting.

The Members expressed concerns regarding possible negotiation conversations triggered by the resolution slide in the presentation and suggested pulling the negotiations process slide.

Brian stated from a consultation context, here is a proposed resolution of amending the draft Program to address the comments that were provided from the agencies and Tribes. The vetting process with Council has started. Tony had a conference call with state staff on 12/2/08 to go through these concepts and he did not get any red flags. The state staff will start having conversations with their individual members. On 12/8/08, staff members from CBFWA and Council will meet and report any concerns or large issues. Brian stated if this process continues the CBFWA policy members should be prepared to support it on December 10, 2008.

A Member expressed concern regarding the lack of continuity in the recovery processes. Brian stated that the Council shares the same concerns surrounding recovery plans. The recovery plans were received as recommendations and they will be listed as sources to rely on in the Program.

**Action:**

The Members supported CBFWA staff to continue working on this part of the amendment comment strategy and finalize the presentation with Council staff on 12/8/08. The final draft presentation will be reviewed by the Members before it is approved for the 12/10/08 consultation meeting.

**Item 4  
continued -****Discussion:**

Brian, Tom, Ken, Tony, and Patty are scheduled to meet on December 8, 2008 at 1:00 p.m. to discuss the M&E portion of the draft Program. They will be talking from the M&E recommendations submitted by CBFWA. The Council is open to adding clarity and specificity to M&E portion of the Program that links back to the subbasin management efforts. This meeting will help formulate the talking points for the December 10<sup>th</sup> consultation meeting.

Brian Lipscomb recommended that the Members take a proactive approach and start calling the Council members directly to articulate the issues regarding wildlife.

The draft Program comments are posted on the NPCC website and available for review at [http://www.nwcouncil.org/fw/program/2008amend/comments\\_draft.asp](http://www.nwcouncil.org/fw/program/2008amend/comments_draft.asp). BPA has articulated clearly that the 2:1 crediting ratio is not the appropriate policy and they believe the Council is meddling in an area where they should not be. BPA feel that the managers have agreed to 1:1 crediting ratio already. This is the resistance the Council members are feeling regarding the wildlife issues and this is spilling over into any more assessments for wildlife, i.e., operations, with the caveat that BPA recognizes the Kootenai Tribe of Idaho's efforts to do resident fish and wildlife operational losses for Libby. BPA has a Wildlife Crediting Committee to take on this idea of building a ledger and support accountability. BPA supports the 1:1 crediting ratio and HEP as a tool to use across the basin.

The Wildlife Advisory Committee (WAC) is schedule to meet on 12/8/08 from 9:00 a.m. – 12:00 p.m. to develop talking points regarding wildlife communication for the December 10, 2008, CBFWA consultation meeting with the Council members. The WAC is not satisfied with the language and direction of the current draft Program regarding wildlife. The WAC can provide a summary of the record with science to support the resources needed for the 2:1 crediting ratio for wildlife mitigation in the basin.

**Action:**

The Members directed the WAC to meet and develop talking points for the December 10, 2008, CBFWA consultation meeting with the Council members. No objections.

**Discussion:**

Brian added that CBFWA staff will develop talking points for the December 10, 2008 consultation meeting regarding the resident fish loss assessment language and wildlife operational loss assessment language in the BPA comments. BPA stated that they have done enough across the basin and do not support spending more money on loss assessments.

The Council's timeline for consultation and input is closing and this effort is a full court press to get the fish & wildlife manager's recommended language into the Program through consultation and political pressure. The Council members need to hear concerns from the Members of CBFWA through consultation until December 19<sup>th</sup>. Members will build the record through consultation. In February 2009, the Members will decide if the Program is good enough or if they decide to appeal the final Program.

**Action:**

The Members directed staff to prepare a formal letter signed by the Vice Chair Elmer Ward requesting consultation with the Council members to discuss the 12/1/08 comments submitted by CBFWA on the draft amended Program on December 10, 2008 in Portland, Oregon. No objections.

The formal letter sent to Council on 12/4/08 is posted at:

[http://www.cbfwa.org/Committees/Members/meetings/2008\\_1203/CBFWA\\_NPCC\\_consultrequestltr120408Final.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_1203/CBFWA_NPCC_consultrequestltr120408Final.pdf)

**Action:** The Members directed staff to poll members of CBFWA for their availability to attend the 11:00 a.m. December 10, 2008 pre-consultation meeting at the CBFWA office to prepare for the afternoon consultation meeting with the Council members. Chairman Peterman is unavailable and Vice Chairman Elmer Ward will represent CBFWA at the 12/10/08 consultation meeting.

**ITEM 5: Briefing for the New Administration**

**Discussion:** The Members discussed the development of a consensus briefing paper for the new administration regarding fish and wildlife issues in the Columbia River Basin and the policies they may adopt for fish and wildlife resources in the basin.

**Action:** The Members directed the staff to work with the MAG to develop a briefing paper for the incoming administration for Members consideration at the January 21-22, 2009 Winter Members Meeting. No objections.

**ITEM 6: FY 2009 Project Decisions Relative to the Development of Long-term Work Plans (LTWP)/Multi-year Work Plans (MYWP)**

**Background:**

- Smolt Monitoring/BPA start of year budget
- CBFWA Work Plan
  - SOTR
- Other Projects
  - Collaboration Forum for Regional Implementation Oversight Group (RIOG)

The Smolt Monitoring Program and the CBFWA Workplan are two of many mainstem/systemwide projects whose funding is uncertain during the next three year funding cycle. The development of LTWPs could address these deficiencies in the current BPA Start-of-Year Budget. The Members should initiate meetings with BPA and Council to begin development of a [Draft Mainstem Multi-year Work Plan](#).

**CBFWA Work Plan:**

CBFWA staff has begun working on their FY09 work plan and budget. MAG will review the draft work plan in December and present a final to the Members at their January meeting in Boise, Idaho. The major efforts will focus on implementing the CBFWA amendment recommendations including development of a Mainstem/Systemwide Work Plan, improvement of monitoring and evaluation, development of loss assessment methodology for resident fish and wildlife, developing province and regional biological objectives, and imitating a wildlife crediting forum for addressing mitigation issues.

**Smolt Monitoring/BPA Start of Year Budget:**

At the 11/13 MAG Teleconference, Brian Lipscomb advised that there are several issues pending under the draft FY09 start-of-year budget. Along with many other projects, the funding for the smolt monitoring project has been flat-lined and the funding is not enough to maintain the current level of effort within FY08 and requires an increase in budget. Michele DeHart, FPC, was advised by the BPA COTR to address this issue to the Budget Oversight Group (BOG) to obtain an increase in budget. On October 29<sup>th</sup> Michele sent a memo to the BOG addressing



this issue

([http://www.cbfwa.org/Committees/MAG/meetings/2008\\_1113/FPCmemoSmoltMonitProgFY09DeHart178-08.pdf](http://www.cbfwa.org/Committees/MAG/meetings/2008_1113/FPCmemoSmoltMonitProgFY09DeHart178-08.pdf)). She stated, the BOG process was to forward this to the Council for their decision. The Council will not be able to make a decision until February 2009; however, the program is due to start on March 1, 2009. The only projects within this program that could start on time would be Bonneville and John Day so the timing is a hindrance. Michele added that three states have a project within the Smolt Monitoring Program: Idaho at trap sites, Oregon at Little Goose and Grand Ronde river trap; and Washington at several mainstem projects.

The MAG requested that FPAC provide an assessment of the vital information that will be lost this year (i.e., from the perspective of BiOp implementation, etc.) and how the ability to manage the resources will be affected for the Members review.

The recommended actions for the Members were to 1) adopt the draft Mainstem Multi-year Work Plan as a basis for negotiations with BPA and the Council determining long-term funding commitments for the mainstem projects that may or may not be part of the FCRPS Biological Opinions and not identified in the Fish Accords and 2) for Members to assign a team to conduct the negotiations with BPA and the Council.

**Item 6  
continued -**

Update:

The Members did not take any actions on this item. Brian reported that the MAG would be discussing the long-term work plans and multi-year work plans. This overlaps with the amended Program process. To move the FY09 process forward, the MAG will provide work plans for CBFWA and HEP. Also, address the CSMEP issue by incorporating CSMEP into a new project or a CBFWA contract to implement the coordination monitoring work that is needed. The MAG will continue to discuss the budgets and the funding issues surrounding the Mainstem/Systemwide at the December 16-17, 2008 meeting in Boise, ID. The MAG will report their findings at the January Winter Members Meeting.

Brian stated the BOG assignment was completed and Council and BPA are in the process of supporting a \$124k increase budget adjustment for the FY09 Smolt Monitoring Program.

**ITEM 7: Request for 2009 CBFWA Committee Designees at Winter Members Meeting**

Background:

The Upper Snake River Tribes' will host the January 21 & 22, 2009 Winter Members Meeting in Boise, Idaho.

At the winter meeting of the Members, it is customary for each Member to appoint designees and alternates to serve on the groups and committees of CBFWA for the next year. Staff has a template for you to complete and bring to the January 21 & 22, 2009 Members Meeting. The template is posted at [http://www.cbfwa.org/Committees/Members/meetings/2008\\_1203/CBFWAdesigneesCommunicationRequestSurvey12Nov2008.doc](http://www.cbfwa.org/Committees/Members/meetings/2008_1203/CBFWAdesigneesCommunicationRequestSurvey12Nov2008.doc).

Update:

Brian Lipscomb requested that the Members identify and reaffirm designees for 2009 to serve on the CBFWA committees and send the completed form to Trina Gerlack at [trina.gerlack@cbfwa.org](mailto:trina.gerlack@cbfwa.org) or give it her at the Winter Members Meeting.

**ITEM 8: Developing a Northwest Tribal Climate Change Legislative Strategy Workshop**

**Background:** The Tribal Climate Change strategy workshop will be hosted by Affiliated Tribes of Northwest Indians; Columbia River Inter-Tribal Fish Commission & the Columbia Basin Fish and Wildlife Authority on December 10, 2008 from 8:00 a.m. to 4:00 p.m. at the Portland State's University Place Center, Portland OR. There is room for 100 attendees. Contact Charles Hudson, CRITFC, (503) 731-1257, [hudc@critfc.org](mailto:hudc@critfc.org).

**Update:** Brian Lipscomb stated that CBFWA agreed to co-host the workshop and provided an update from the June 2008 Members Meeting. Brian supports CBFWA's participation at the state and national levels to address climate change in the form of carbon cap and trade legislation. State governors from OR, WA, and MT are addressing this issue. This workshop with ATNI and CRITFC is a briefing and opportunity for the Tribes to engage in the process. A revised agenda for the Tribal Climate Change strategy workshop is available at [http://www.cbfwa.org/Committees/Members/meetings/2008\\_1203/ClimateChangeWorkshop10Dec2008\\_CClegwksagenda120408.doc](http://www.cbfwa.org/Committees/Members/meetings/2008_1203/ClimateChangeWorkshop10Dec2008_CClegwksagenda120408.doc).

Brian will provide an update at the January Winter Members Meeting.

**ITEM 9: Welch, et al paper on *Survival of Migrating Salmon Smolts in Large Rivers With and Without Dams***

**Background:** On November 13, 2008 Michele DeHart, FPC, provided a verbal analysis of the paper to the MAG. Following the meeting, Michele sent a memo to MAG members with detailed conclusions based on their review of the report and underlying data (see <http://www.fpc.org/documents/memos/186-08.pdf>). After a lengthy discussion, the MAG was not in agreement with CBFWA responding on this paper and suggested instead that in the event that conflict arises, CBFWA could respond to the validity of the arguments that presented on the FPC website provided in response to the FPC data requests. If the situation changes, or there are potential policy/management decisions based on the information in the Welch et al paper, then CBFWA may need to give this more consideration.

**Update:** Brian Lipscomb provided an update on the Welch paper by a Canadian sponsored study on acoustic tagging that made headlines. Brian requested that Fish Passage Advisory Committee (FPAC) and Fish Passage Center review the study and provide feedback on the pros and cons, and provide specific questions and answers. This information is available as a resource, if needed for future recommendations.

**ITEM 10: AFAC Review of NOAA Fisheries' Data Dictionary and Monitoring Guidelines Update**

**Update:** The Anadromous Fish Advisory Committee (AFAC) is working with non-AFAC members to review the draft data dictionary and monitoring guidance documents. The point of the review is not to provide official CBFWA comments to NOAA, but rather to work with NOAA to improve the products as much as possible. The states are submitting specifics comments individually. NOAA Fisheries extended the comment deadline and expecting comments until at least the end of December.

Dave Ward provided a brief update on the status of the review and current themes identified in the memo at

[http://www.cbfwa.org/Committees/Members/meetings/2008\\_1203/DataDictionaryReview\\_MbrsBrief\\_3Dec2008Ver2.pdf](http://www.cbfwa.org/Committees/Members/meetings/2008_1203/DataDictionaryReview_MbrsBrief_3Dec2008Ver2.pdf)



**Upcoming  
Meetings:**

An action on the NOAA data dictionary and monitoring guideline documents will be recommended at the January Winter Members Meeting.

WAC Work Session, CBFWA office, Dec. 8<sup>th</sup>

CBFWA & Council staffs meeting, Dec. 8<sup>th</sup>

CBFWA Pre-Consultation Meeting, CBFWA office, Dec. 10<sup>th</sup> - [approve presentation to Council]

CBFWA-BPA-Council Consultation Meeting, Portland, OR, Dec. 10<sup>th</sup>

Developing a Northwest Tribal Climate Change Legislative Strategy Workshop, Portland, OR, Dec. 10<sup>th</sup>

Council December Meeting, Portland OR, Dec. 9-10<sup>th</sup>

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

Members January Teleconference: Wed. Jan. 7, 2009 (1-4pm) – [approve SOTR presentation to Council]

Council January Meeting, Missoula, MT, Jan. 13-15<sup>th</sup>

Winter Members Meeting, Boise, ID: Wed. Jan. 21 and Thurs. Jan. 22, 2009 - [adopt Final SOTR]