



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

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: March 25, 2009

TO: CBFWA Members

FROM: Brian Lipscomb, Executive Director

SUBJECT: Final Action Notes for the March 4, 2009 Members Teleconference

**Members Teleconference
Wednesday, March 4, 2009
1:00 p.m. – 4:35 p.m.
CBFWA Office, Portland OR (via WebEx)**

Meeting support material are posted at http://www.cbfwa.org/committee_main.cfm

Note: The action notes have been corrected to support the January 22, 2009, Members of CBFWA request for \$1,895,201 to support their statement of work and budget for coordination, Fish and Wildlife Program support, and reporting for FY2009 through the Annual Implementation Work Plan project – Grant #000020620, Project 8906201.

Final Action Notes

Attendees: Chairman Elmer Ward, CTWS; Rob Walton and Elizabeth Gaar, NOAA Fisheries; Tony Nigro and Tom Rien, ODFW; Mark Bagdovitz, USFWS; Brian Lipscomb, Jann Eckman, Neil Ward, Tom Iverson, Dave Ward, Ken MacDonald, Binh Quan, and Trina Gerlack, CBFWA

Phone/WebEx: Greg Delwiche, BPA; Claude Broncho, SBT; Ronald Peters, Cd'AT; Jim Malatare and Lynn DuCharme, CSKT; Gary James, CTUIR; Alan Byrne and Lance Hebdon, IDFG; Chris Hunter, MFWP; Dave Statler, NPT; D.R. Michel, UCUT; Kyle R. Prior, USRT; Bill Tweit, WDFW; Doug Taki, SBT; and 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

Action: The Members modified the draft agenda and added more time to discuss the funding issues in Executive Session. No objections.

ITEM 2: Approve February 4, 2009 Members Draft Action Notes

Action: The Members approved the February 4, 2009 Members meeting action notes as final. No objections.

ITEM 3: EXECUTIVE SESSION to discuss the Bonneville Power Administration (BPA) and Northwest Power and Conservation Council (Council) Response to the CBFWA Workplan and the inclusion of the Fish and Wildlife Agencies and Tribes in the Development of a Coordinated Basin-wide Monitoring and Evaluation (M&E) Program

Background: On January 22, 2009, the Members communicated their proposal for funding for the FY09 CBFWA workplan at the amount of \$1,895,201. Since then several meetings with BPA and Council have occurred. To date, BPA and the Council are not willing to commit to fund CBFWA staff and Member participation to develop essential RM&E frameworks for either the Council Program or the BiOp. Failure to achieve funding for the RM&E portion of the workplan will significantly reduce our funding level, causing a substantial budgetary impact to the CBFWA organization with far reaching fiscal and policy ramifications. CBFWA staff will discuss the fiscal and policy ramifications of this decision for Member consideration toward developing strategies to address the implications and request a funding commitment from BPA.

Brian Lipscomb stated the purpose for Greg Delwiche's participation in the meeting is to discuss bridge funding to prevent cutting CBFWA staff employment in 4-weeks.

Action: The Members went into Executive Session, with no public participation or recording, but staff was allowed to stay in the room, because there was no staff sensitive issues discussed. When Greg Delwiche joins the meeting, the Members would come out of Executive Session to record that discussion, and any action following the discussion would be passed out of Executive Session. No objections.

Discussion: Greg Delwiche, BPA, called into the Executive Session at 2:20 p.m. stating that he called into the meeting to discuss the requested budget for the CBFWA and the Council's overall \$2.4M coordination budget established last year and the effect on that \$2.4M budget allocation in light of the desired establishment of the new position and work with the Upper Columbia United Tribes (UCUT). The impact of the UCUT allocation out of the 2.4M budget is the funding that would remain for CBFWA coordination would be \$1.558M. The January 2009 CBFWA request was \$1.895M with a difference of approximately \$340k.

Mr. Delwiche stated that in discussions with Tony Grover, NPCC, and Brian Lipscomb about a solution to the situation, he offered the following alternatives: 1) to speak to fish and wildlife managers and Tribes who are implementing Accord commitments and find out if CBFWA staff can assist them with writing ISRP narratives, which is the bottle neck for getting any new Accord commitments on the ground. This could be a short-term solution for addressing some of the shortfall budget gap, and 2) change the CBFWA project contract to provide work on the RM&E review activities in the region. Mr. Delwiche considers the coordination of BIOP RM&E to be a priority under the existing CBFWA coordination budget and suggested that the Members and fishery managers were to ask CBFWA to take on the responsibility for delivering some of the more product focused tasks on their behalf to address the strategy for addressing the budget shortfall.

Mr. Delwiche stated that it is BPA's position to consider bridge funding for CBFWA by way of a proposal submitted through the BOG process. BPA would not make a decision without coordination with the Council.

Tony Nigro, ODFW, asked why a budget problem exists and if there is any flexibility in BPA's policy position, assuming that CBFWA convinces the Council

that the \$1.558M for CBFWA coordination funding was arbitrarily set and not something that the Members support. Tony added that the alternatives offered above are inconsistent with CBFWA Charter. CBFWA does not exist to contract with individual Members on an as needed basis to maintain resources. The CBFWA Members participate in the organization and expect the CBFWA staff to provide services to us collectively. Tony asked again if there was any flexibility in BPA's current stance that \$1.558M is the set CBFWA budget, unless CBFWA provides additional proposals.

Mr. Delwiche stated that the Council spent over a year in process on the coordination budget amount and allocation issue and the \$2.4M for the coordination budget is the outcome of that process, and the CBFWA Members were involved in that process. If the Council were to go in a different direction, BPA would have to meet with Council to discuss their reasoning and make a decision. Tony asked if the CBFWA were to convince the Council to do something else, if BPA would be open to that discussion. Mr. Delwiche stated that he would be open to hearing the basis for that discussion.

In the context of bridge funding instead of CBFWA providing a proposal through the BOG process, Tony Nigro asked if Mr. Delwiche was open to CBFWA spending the \$1.558M according to the CBFWA's requested spending plan while CBFWA is working with Council and BPA on getting the RM&E proposal funded.

Mr. Delwiche responded by asking what CBFWA's contingency plan was if the \$1.558M ended up being the set budget to be managed. If CBFWA provided a contingency plan, BPA and Council together would consider reviewing the plan.

Mark Bagdovitz, USFWS, asked Mr. Delwiche to explain how the CBFWA budget was cut from \$2.4M down to \$1.558M. Mr. Delwiche explained that the Members of UCUT made a request that they reallocate a portion of their share of the CBFWA Member coordination funding, or their 1/19th share, established by the Council of the \$2.4M be allocated in a different way to provide for the creation of a new staff position in the UCUT central office. After the UCUT reallocation, the remaining coordination budget is \$1.558M.

The Members referenced the January 2008 Council memos to BPA and Council Members outlining the 1/19th share, \$2.4M budget, \$1.895M CBFWA allocation, and \$62k for UCUT discussing the regional coordination budget and questioned the change in budget allocation. Mr. Delwiche responded by stating that the memos preceded the desire to establish the new UCUT position.

Rob Walton, NOAA Fisheries, referenced the budget for start of year FY09 and the millions of dollars for RM&E related activities and tasks stating that the recipient is unclear and to his understanding the \$8.5M is undistributed and asked if the monies are relevant to implementing the BIOP RPA on RM&E? Mr. Delwiche stated that it is absolutely relevant and that is what the money is for. Mr. Delwiche added that at this point, there is no decision on when or how to solicit for that additional work that needs to occur but he anticipates that a solicitation or project selection process will occur when the ongoing RM&E review runs its course over the spring, and a parallel process to the broad categorical review on a shorter timeframe to identify BIOP RM&E gaps.

Rob Walton referenced a February 23, 2009 email from Greg Delwiche regarding RM&E review principles outlining five principles discussed in the February 20th meeting. Principle number four states that it is important that the fish and wildlife

co-managers be engaged in the review. The NOAA Fisheries' intent regarding the BIOP RPA's is the co-managers, fish and wildlife agencies and Tribes are involved, which is consistent with principle number four. Rob expressed concern that the NWEIS and PNAMP are identified as the places envisioned where coordination is to occur but neither were designed to fulfill this type of role. It is not clear how to fulfill principle number four and engage the co-managers. CBFWA could facilitate and successfully complete the RM&E tasks in the short time frame expected. The federal work groups have not expanded to include the agencies and Tribes. The various audiences are being told that collaboration is continuing, but it has been put on hold while the work groups complete their tasks. The work groups would like to know how the fish and wildlife agencies and Tribes will be engaged in the process to insure and produce good products in the RPAs. Mr. Delwiche committed to having more conversations with fish and wildlife managers on this issue stating that he never intended to go behind closed doors and leave the fish and wildlife managers in the dark while reviewing the regional RM&E framework.

Tony Nigro asked about the timeframe for the review referencing the Members' RM&E coordination proposal, which has been placed on the table, but parked and not acted upon. Is that proposal (reincarnation of CSMEP) a viable vehicle? Many of the RM&E tasks that the Council's is planning to complete came out of the CSMEP proposal, which supports each others' priorities for RM&E. Is that proposal worthy of a revisit for our collective participation in RM&E?

Mr. Delwiche understands the Members' concern to find a way to close the shortfall funding gap, but he did not come to the call prepared to engage and discuss technical issues of project management associated with the RM&E review. If he had known, Jim Geiselman, BPA would have attended the meeting to answer the Member questions. He agrees that this issue warrants a longer conversation at a different time with others and the attendees from the February 20, 2009 meeting.

Tony asked if a solution to the CBFWA budget shortfall is to prepare a specific proposal for BOG's review. Would an offspring of the CSMEP proposal be viewed as part of the conversation to fill the gap?

Mr. Delwiche answered yes with Council's involvement.

Dave Statler, NPT referenced and confirmed the possible alternative solutions to the CBFWA budget shortfall discussed above. He asked Mr. Delwiche to define a product orientated task?

Mr. Delwiche read the email sent to Brian Lipscomb outlining the alternatives provided above and asked that Brian forward it to the Members. He stated there is a placeholder in the overall Fish and Wildlife Program budget that is not allocated to anybody or any projects that would draw from this placeholder budget, which some Program dollars are needed for specific tasks for developing very specific products that could be developed by the region's state fishery managers and Tribal fishery managers or both. Jim Geiselman is the lead and can provide the examples of those tasks. If those tasks and/or products could be developed by CBFWA staff, with the Members endorsement, that would be another way to address the budget shortfall.

Action:

The Members went back into Executive Session, with no public participation or recording, and staff was in attendance. Any actions following the discussion would occur in open session. No objections.

Action: Open session was called and the Members directed the RM&E ad-hoc committee to work with NOAA staff using the outcomes of the Action Agency's RM&E workgroups to develop a proposal to produce products to address relevant BIOP RPA's priority RM&E needs. A proposal will be provided to the MAG on March 17 and the Members on April 1, 2009. The intent would be to gain the support of regional executives of the Federal and State agencies and Tribes. No objections.

Action: The Members directed Brian Lipscomb to work with MAG to develop a spending plan for April and May 2009, consistent with \$1,895, 201 proposed spending level and develop a strategy for BOG consideration of proposal. No objections.

ITEM 4: CBFWA Members' Budget Increase Requests

Background:

- **Washington Department of Fish and Wildlife (WDFW)** is requesting an additional \$10, 000 to cover their CBFWA and Northwest Power and Conservation Council (Council) coordination needs through the remainder of their contract period.
- **Nez Perce Tribes (NPT)** is requesting a \$5,000 add-on to the NPT contract budget for CBFWA participation through March 31, 2009, based on previous monthly expenditures for travel and time.

Action: The Members approved the WDFW and NPT budget requests to continue CBFWA participation through March 31, 2009. No objections.

ITEM 5: Habitat Evaluation Procedures (HEP) Project Budget Request

Background:

- The Habitat Evaluation Procedure (HEP) is the accounting tool used to track the acquisition and development of Habitat Units to offset the losses identified in the Council Fish and Wildlife Program. These Habitat Units are the unit of measurement for the ledger recommended by the agencies and Tribes for inclusion in the Program and subject to verification by the Wildlife Crediting Forum.
- An increase in the HEP budget and contract is necessary to complete evaluations across the basin so that the Wildlife Crediting Forum will have the necessary information to build a crediting ledger for the Program as proposed in the CBFWA wildlife amendment recommendations.
- At the January 15th MAG meeting, Ken MacDonald presented three HEP funding scenarios for MAG consideration, as requested by Paul Ashley, Regional HEP Coordinator.
- At the February 17th MAG meeting, Ken MacDonald and Paul Ashley provided a presentation inclusive of a briefing on the history of HEP, current contract levels, the reasoning behind the requests, and a description of what the alternatives will provide.
- Ken MacDonald will provide a presentation and review the funding request.

Discussion: The HEP project budget and workplan presentation to the Council is scheduled for April 1, 2009. The HEP budget request does not affect the CBFWA budget.

Action: The Members approved the proposed HEP budget and expanded workplan for submission to the BOG and Council. No objections.

**Upcoming
Meetings:**

MAG Teleconference March 17, 2009, 9:00 a.m. – 12:00 p.m.

Members April Teleconference, Wed. April 1, 2009, 1:00 p.m. – 4:00 p.m.

Council Meetings: March 10-12, 2009 in Boise ID and April 14-16, 2009 in Skamania, WA <http://www.nwcouncil.org/>

H:\WORK\MBRS\2009_0304\MbrsActionNotes2009_0304Final.doc