



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

851 SW Sixth Avenue, Suite 250 | Pacific First Building | Portland, OR 97204-1339
Phone: 503-229-0191 | Fax: 503-229-0443 | Website: www.cbfgwa.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

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Fort McDermitt Paiute-Shoshone Tribe

Kootenai Tribe of Idaho

National Marine Fisheries Service

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Compact of the Upper Snake River Tribes

Upper Columbia United Tribes

DATE: February 27, 2013
TO: CBFWA Members
FROM: Doug Taki for Nathan Small, Chair
SUBJECT: Final Action Notes for the February 20, 2013 Members Meeting

If there are no objections within 10-days, these action notes will be considered final.

Members Meeting
Wednesday, February 20, 2013
11:00 a.m. to 2:00 p.m. (Pacific)
@
Embassy Suites Hotel - Portland, Oregon

[Members Webpage](#)

Final Action Notes

Attendees: Chairman Nathan Small, SBT; Elmer Ward, CTWS; Elizabeth Gaar, NOAA Fisheries; Mark Bagdovitz, USFWS; Laura Gephart, CRITFC; Bob Austin, USRT; Doug Taki, SBT; Mike Faler, USFWS; Sue Ireland, KTOI; Jason Kesling, BPT; Brad Houslet, CTWS; Jann Eckman, Tom Iverson, Binh Quan, and Trina Gerlack, CBFWA Staff

WebEx - Phone: Gary Aitken, Jr., KTOI; Claude Broncho, SBT, Edmond Murrell, SPT; Joe Mentor, Mentor Law Group, PLLC, and Neil Ward, CBFWA Staff

Members Not Present: Fort McDermitt Paiute-Shoshone Tribe of Nevada and Oregon; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes and Bands of the Yakama Nation

Time Allocation:

Objective 1. Committee Participation	100%
Objective 2. Technical Review	0%
Objective 3. Presentation	0%

Wednesday, February 20, 2013 – Cedars Meeting Room

Welcome and Opening Remarks – Tom Iverson, Director of CBFWA

Invocation – Chairman Nathan Small, SBT

ITEM 1: Introductions, Roll Call, and Approve Agenda

Action: A quorum was confirmed and the draft agenda was approved as written. No objections.

ITEM 2: Draft Action Notes for the March 14, 2012 Members Meeting

Action: The action notes for the 3/14/2012 Members Meeting were approved as final. No objections.

ITEM 3: CBFWF Business Updates – Jann Eckman, President of CBFWF

- Status of FY12 Members Budgets and Expenditures

Jann provided an update of the Members time and travel budget summary from 4/1/2012 through 2/14/2013. The budget summary does not reflect the SBT and USFWS approved funding modification. Those budget modifications will be adjusted at the end of the contract period. Funding would be moved from Members that did not fully expend their funds to support Members that needed additional funding. The CBFWA contract ends March 31, 2013, 60 days later BPA will close those contracts, and all unspent funds go back to BPA.

Jann will be sending notices to each Member requesting invoices for their time and travel. Please check with your accounting departments and submit your invoices.

Jann and Tom have a meeting scheduled on February 25, 2013 with Bill Maslen, Bryan Mercier, Tracy Hauser, and David Roberts to discuss FY13 funding options, status of the CBFWA organization, and regional coordination service contracts managed by the Foundation.

Mark Bagdovitz asked that the Members make decisions today that would provide guidance to staff for the 2/25/13 BPA meeting.

ITEM 4: New Membership Structure Effective March 31, 2013

Formal CBFWA membership withdrawal notices are due by March 1, 2013.

- [Burns Paiute Tribe Formal Notice to Withdrawal](#)
- [Shoshone-Paiute Tribe Formal Notice to Withdrawal](#)
- [Confederated Tribes of the Warm Springs Reservation of Oregon](#)

Elmer Ward reported that on 2/19/2013 a formal action and resolution was adopted by Tribal Council and the Warm Springs Tribe will be withdrawing from CBFWA, effective 3/31/2013. No decision for regional coordination funding allocation has been made by the Warm Springs Tribal Council.

Tom stated that Yakama Nation and Umatilla Tribe have given their verbal notifications to withdraw from the CBFWA organization by March 31, but staff has not received their formal notices.

Mark Bagdovitz suggested to sunset the CBFWA charter or eliminate the CBFWA organization in order to resurrect a different regional coordination forum that includes all fish and wildlife managers in the basin. He suggested all Members withdraw from CBFWA and start with a clean slate to get on track to begin discussions on the Fish & Wildlife Program Amendment Process that begin in April. The specifics for a new forum have not been defined.

Elizabeth Gaar asked the remaining Members what they will accomplish and/or what coordination outcomes or products can be achieved by remaining Members versus withdrawing and maintaining regional coordination services through the Foundation.

Doug Taki stated that those questions may be answered after Tom presents the draft FY13 work plan.

The CBFWA and Foundation's legal counsel, since 1993, Joe Mentor, Mentor Law Group, PLLC, participated via teleconference. Due to a weak audio connection; he provided the following comments before disconnecting from the call. Joe stated that someone has to be around to turn off the lights. It will be problematic to the corporation, if all the Members withdraw. He

recommended taking an action to dissolve the organization versus all the Members withdrawing from the CBFWA individually. He advised the Members to take a vote to develop a resolution to dissolve the organization and preserve the Foundation. The Foundation has value to exist as a non-profit corporation at a minimal cost to function, in moth balls, on a shelf, or as an active non-profit. The Foundation would need a continued purpose, directors to serve on Board of Directors; currently serving are Jann Eckman, President, Dave Statler, Vice-President, and Tom Iverson, Secretary-Treasurer. Senior staff or others can serve on the Board as named individuals as opposed to ex officio. He urged the Members to retain the Foundation because it is difficult to form another non-profit with the Foundation's corporate benefits and status. The Foundation is a non-profit corporation organized under the Oregon state law. The Foundation has 501(c)(3) status (tax exempt) with the Internal Revenue Service and charity status to receive funds from private foundations.

If the Members discontinue the Foundation it would be necessary to file articles of dissolution with the Secretary of State's office. There is a series of actions necessary to legally dissolve a corporation.

He explained that the CBFWA Charter is an important historical document and it should be preserved. It is not a legal document but an agreement of the Members to work together to accomplish a common goal.

Joe stated if the Members decide to dissolve the Foundation, a formal notice should be filed or communicated to the Internal Revenue Service, but he is not sure what that process entails.

Joe Mentor offered to assist Jann and the Members during this transition. He thanked everyone for many years of collaboration, friendship, and service as their legal counsel.

Bob Austin asked Mark Bagdovitz what a kind of a new organization he had in mind.

Mark stated he had no specifics yet, but something new. He will continue to meet with fish and wildlife managers in the basin to gather that information.

Edmond Murrell suggested that the USRT, CRITFC and UCUT help structure a new forum and Bob supported that possibility.

Mark asked how the fish and wildlife managers would manage the Program Amendment Process unless everyone is on the same page. Clearly the Northwest Power Act gives the fish and wildlife managers very specific responsibilities and authorities. If the managers implement those authorities independently we won't be as influential as if we do them together. The Members need to clear the decks quickly, and help set a table for another conversation. No specifics have been identified for a new forum, but he will continue talking to folks, and believes the states' are key to bringing the fish and wildlife managers back together.

Chairman Small supports the effort to coordinate all the fish & wildlife managers to remind them of their obligations to benefit the Columbia River Basin. We need a table or coordination group in the basin to act as one, like CBFWA did in the past. He feels bad, but sometimes change is good.

Tom Iverson stated that if the CBFWA organization dissolved today, the FY13 Foundation work plan could carry forward with regional coordination dollars allocated by co-managers without any oversight by the CBFWA or the

Charter. The Foundation Bylaws were rewritten to implement tasks and deliverables as defined in the signed cooperative agreement between the Foundation and Co-managers. The services needed by the Members are still available by contracting under the Foundation.

Mark stated we are in a transition to a new forum. He is not sure what that is, but the need is there, the authority is there, and he hopes that the money is there.

Gary Aitken, Jr. stated that CBFWA is beneficial and the Kootenai Tribe wants to be part of a collaboration to get work completed. He hates to see the CBFWA dissolve and disappear. The Kootenai Tribe wants to keep the Charter open and available for future use.

Bob stated that the USRT are split on the decision, but agree there is a need for regional coordination.

Chairman Small asked Elmer Ward for his thoughts.

Elmer responded that Warm Springs Tribe is committed to the new forum and the reality is what is in the best interest of preserving, enhancing, and restoring the natural resources of Warm Springs. The Warm Springs Tribe is committed to those values. He hopes there is a forum in the region for federal and state agencies, and tribes to meet together and equally share ideas and work to preserve, enhance, and restore the basin. The Warm Springs Tribe will support and connect to the new regional coordination forum. It is sad, that it is a financial reality for the change. The Warm Springs Tribe has to be at the table and value the need for face to face meetings with all participants in the basin to maintain relationships for all entities in a progressive, constructive, and respectful manor.

Elizabeth Gaar stated, because NOAA Fisheries FY13 regional coordination dollars disappeared, they met with BPA and NPCC asking where the FY13 regional coordination dollars were allocated. NOAA expressed their priorities that funding should go to the Coordinated Assessments, Resident Fish, and Fish Screening Oversight Committees. She added even though NOAA doesn't use the SOTR, she was supportive if the funding supported the SOTR data transfer to the NPCC as a lower priority.

The group summarized the conversation. The anticipated FY13-14 CBFWA membership includes the Shoshone-Bannock Tribes, Kootenai Tribe of Idaho, Fort McDermitt Paiute-Shoshone Tribe, NOAA Fisheries, and U.S. Fish & Wildlife Service. The SBT and KTOI plan to allocate funding to CBFWA for FY 2013 work plan. The FMPST, NOAA Fisheries, USFWS do not receive regional coordination funding from BPA.

The possible options are:

1. Status Quo (Funding not confirmed) with fewer Members
2. Keep the Charter
3. Dissolve the CBFWA organization
4. Combine dissolving CBFWA and suspending the Charter with regard to retaining the Foundation to provide services and serve the needs of the co-managers.

The Members chose to contemplate these options, discuss over lunch, and determine their action after Tom's presentation under Item 6.

ITEM 5: Select 2013 CBFWA Officers to Serve as Chair and Vice-Chair

The Members postponed this item to review Item 6: Draft FY 2013 CBFWA annual work plan and budget and regional coordination services provided by Foundation.

At the end of the meeting, Jann Eckman thanked the CBFWA officers for serving the organization as Chair and Vice-Chair in 2012.

Lunch Working Lunch Provided**ITEM 6: FY 2013 CBFWA Annual Work Plan & Budget / Regional Coordination Services Provided by CBFWF**

- Members Signature Page
- Proposed Work to Support Policy Directives
- Budget Assumptions
- Impacts to CBFWA Organization

The FY13 CBFWA Work Plan and Budget for submission to BPA, is past due. The Members signatures are due by March 1, 2013

Tom Iverson provided a presentation of the FY12 CBFWA accomplishments and FY13 anticipated issues, activities, CBFWA/F work plan and budget.

Tom reiterated that the priority work for FY 2012 was to maintain the technical committees until the future funding for each committee was known. Several of the committees were able to identify a funding source for next year; however, several of the committees were not and/or are in negotiation for funding with BPA or NPCC. The MAG took one action in FY12 that was not a routine business item, and that was to send a support letter for an EPA grant proposal from the Coordinated Assessments Project. Bi-monthly updates on regional issues were provided to the MAG and an analysis of the BPA financial crisis was performed by CBFWA staff for the Members. Staff also participated in the BPA Integrated Program Review.

The FY13 activities include NPCC Program Amendment Process, NPCC geographic project review, BPA funding updates, PNAMP activities, and CRT review updates. The FY13 work plan services would include managing time and travel budgets, assist and support participation in NPCC activities, monitor and report on fish and wildlife activities in other regional forums, and facilitate coordination as requested and funded by co-managers. The relationship between the work plan and activities are monitoring, tracking, identifying issues, performing analyses, and reporting to co-managers and clients.

Tom confirmed that the FY13 work plan can work with or without the CBFWA organization as long as the co-managers provide funding through the Foundation to support activity.

Elizabeth and Mark proposed that all Members support transition to the Foundation to protect the resources of the Charter and institutional knowledge and facilitating a fresh start for regional coordination in the basin.

Gary Aitken, Jr. stated that KTOI Tribal Council supports keeping the Charter and the CBFWA organization's agreement to work together and is in favor of the transition if needed to maintain all the useful things as best we can.

Claudeo Broncho agrees with Gary and supports archiving and saving the Charter. He added that it took many years to create CBFWA and is sad to see it dissolve, but we can't give up. It's time to direct the staff and make some decisions.

Doug Taki recognizes this as a different landscape for pulling out, as long as adequate funds are allocated to the Foundation to provide the needs identified by the co-managers and individuals continue to meet to do coordination, he will support the transition.

Mark stated that coordination amongst fish and wildlife managers and a new forum may be very different in the future.

The participating Members developed the motion below.

Motion: Members dissolve the CBFWA organization effective March 31, 2013 by suspending the CBFWA Charter and holding it at the Foundation for future reference and access.

Retain the Foundation in its current form and direct the Foundation to ensure that regional coordination needs of the current Members can be addressed under the Foundation.

Recognize that the strength and stability of the Foundation will depend on funding.

A roll call vote was taken and each member below voted yes on the motion.

Gary Aitken, Jr., KTOI

Elmer Ward, CTWS

Mark Bagdovitz, USFWS

Claudeo Broncho, SBT

Jason Kesling, BPT

Elizabeth Holmes Gaar, NOAA Fisheries

The following Members were absent during the vote or did not participate at the meeting.

Edmond Murrell, Shoshone-Paiute Tribes of Duck Valley Reservation

Fort McDermitt Paiute-Shoshone Tribe of Nevada and Oregon

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes and Bands of the Yakama Nation

Action: Each Member in attendance voted yes and approved the motion. They directed Tom Iverson to contact the Members not present and record their vote. If there are any objections to the motion, a teleconference would be scheduled for further discussion.

The FY13 Work Plan will be revised to accommodate the motion and satisfy the co-managers' needs.

ITEM 7: Other Regional Updates

The state of Washington has proposed to remove daily catch limits for channel catfish, bass and walleye in some sections of the Columbia and Snake rivers, to reduce predation on ESA-listed juvenile salmon and steelhead. See more

information at www.newsdata.com/fishletter/313/6story.html

The Washington Fish & Wildlife Commission will be adopting the proposed changes to the state's sporting fishing rules March 1-2, 2013. Details of the proposed modifications are available online at <http://wdfw.wa.gov/fishing/regulations/>.

ITEM 8: Next Members Meeting

If needed, a teleconference meeting will be scheduled before March 31, 2013.

Upcoming Meetings: [Northwest Power and Conservation Council](#) Meeting(s): Feb. 12-13, Portland; March 12-13, Portland; April 9-10, Spokane; May 7-8, Boardman; June 11-12, Missoula

[Oregon AFS Annual Meeting](#): Feb. 19-22, 2013, Bend.

[PNAMP Meeting Calendar](#): Feb – March 2013

H:\WORK\MBRS\2013_0220\ActionNotesMembersMtg20Feb2013FINAL.doc