



DATE: October 8, 2003

TO: Members Management Group (MMG)

FROM: Rod Sando

SUBJECT: Draft Action Notes for the 9/30/03 MMG Meeting

**If there are no objections within five days, these actions will be considered final.**

*Due to scheduling conflicts the next meeting is scheduled for Thursday, October 30, 2003, 9:00 a.m. to 3:00 p.m. at the CBFWA Office, Portland, Oregon.*

MMG Meeting  
 Tuesday, September 30, 2003  
 9:00 a.m. to 3:00 p.m.  
 @  
 CBFWA Office, Portland, OR

**Draft Action Notes**

**Attendees:** Mary Verner, UCUT and MMG Vice Chair; Katherine Cheney, BPA; Ronald Peters, Cd'AT; Laura Gephart, CRITFC; Kim Kratz & Rob Walton, NMFS; Dave Statler, NPT; Doug Marker, & Patty O'Toole, NWPCC; Tony Nigro and Dave Ward, ODFW; Fred Olney, USFWS; Jann Eckman, Trina Gerlack, Tom Giese, Tom Iverson, Rodney W. Sando, Kathie Titzler, Neil Ward, & Frank Young, CBFWA

**By Phone:** Amos First Raised, BPT; Gerald Green, Cd'AT; Lynn DuCharme, CSKT; Gary James, CTUIR; Peter Hassemer, IDFG; Sue Ireland, KTI; Chris Hunter, MFWP; Joann Hunt, NWPCC; B.J. Kieffer, STI; Paul Ashley & David H. Johnson, WDFW

<b>Time</b>	Objective 1. Project Recommendations	60%
<b>Allocation:</b>	Objective 2. Regional Issues	40%
	Objective 3. Annual Report	0%

Mary Verner, Vice Chair lead the meeting in the absence of John Palensky, Chair and the agenda was approved.

**ITEM 1: Fish and Wildlife Program Implementation– Tom Iverson, CBFWA**  
**FY 2004 Start of Year Budget and Process**

**Discussion:** Tom reported that the end of year accrual estimates for FY 2003 have been received at BPA and appear to be around \$125M. The total estimate has not been released yet, due to some lingering submissions. For FY 2004, the NPCC approved a \$154M SOY budget for Expense and a \$64M budget for Capital (see <http://www.nwcouncil.org/fw/0405/soy.htm>). The staff at NPCC, BPA, and CBFWA are working together to develop a process for managing the Program budget for FY 2004. It is anticipated that BPA will be sending out a letter stating the “protocols” they will use for managing the budget for the next several years. This letter will include a total limitation of \$556M for the period of FY 2003 through 2006 (an average of \$139M per year). The budget will be managed within 10% of \$139M each year. Rescheduling tasks within projects will be allowed; and any uncommitted funds will be allowed to be re-allocated among other projects in order to maximize the use of the \$139M. A quarterly Program Status Review meeting will be used to manage the Program budget. Within-year reallocations will be considered within the context of available funds identified at the quarterly meetings.

The next Program Status Review meeting is November 13, 2003 to discuss end of year accruals for FY03, FY04 SOY budget, and identify the process to review and approve modifications to the FY04 SOY budget in January 2004. CBFWA is expected to review all of the modification requests identified at the November 13 meeting and prioritize those requests prior to the end of January. Tom Iverson proposed using the categories that were used during the Rolling Province Review. CBFWA needs to discuss what process they will use to engage in managing the Program budget.

**Assignment:** Tom Iverson will draft a one page document on FY 2004-2006 Budget Implementation Process with key dates and activities including budget processes, FY04 SOY budget, rescheduling process for 10% limit, and within year process budget modifications by scope or budget. This process proposal will be distributed for discussion at the next MMG.

**Discussion: Capital Project Funding**

Tom Iverson presented an update on the Capital situation. It appears that less than \$10M in Capital projects will be funded in FY 2003. This is following FY 2002 when only \$8M in Capital projects were funded. CBFWA Members are frustrated with the budget process for capitalizing projects. Doug Marker agreed with the frustration and continues to appeal for CBFWA Members to be involved in the budget process to advise the NPCC. BPA seems to be holding all Capital projects hostage to resolving the wildlife mitigation crediting system. It appears that BPA is selecting policy that prevents them from funding fish and wildlife projects with their borrowing authority. The Biological Opinion relies heavily on tributary actions, yet BPA is not funding the key component to protecting habitat, which is acquisition of rights to water and land through purchase or lease.

**Assignment:** Tom Iverson is drafting a letter criticizing BPA for neglecting the fish and wildlife projects in the project they choose to capitalize. The letter will be provided for discussion at the next MMG meeting.

Discussion: **Mainstem and Systemwide Project Selection**

The NPCC approved \$31M in Mainstem and Systemwide projects in June 2003. BPA did not fully agree with the NPCC recommendations and has been working through the projects to determine appropriate funding levels. BPA agreed with NPCC on \$25M worth of projects in August. The remaining projects have been difficult to resolve. BPA will be presenting to NPCC their final decision on funding in the Mainstem and Systemwide at the November NPCC meeting. The CBFWA contract is a project within this category. At the September NPCC meeting the Fish 4 approved the reinstatement of funding for CBFWA pending staff's discovery of the funds. On October 15, 2003 in Missoula, MT the full Council will decide on F&W project funding for the CBFWA.

**ITEM 2: BiOp Remand - Rob Walton, Kim Kratz, NOAA Fisheries and Katherine Cheney, BPA**

Discussion:

Rob Walton reviewed NOAA's letter to the states and Tribes and discussed NOAA's intentions to resolve two deficiencies in the 2000 BiOp by June 2004 regarding the reliance on federal mitigation actions that have not undergone section 7 consultation under the ESA and reliance on non-federal actions that may not be reasonably certain to occur. NMFS is taking steps to define federal commitments and is requesting assistance from the Tribes, states, and fish and wildlife managers to collect and evaluate information on non-federal habitat and hatchery actions impacting listed species. There is no formalized method for reconsultation at this time but they understand the need to do a separate consultation process with tribes.

Kim Kratz discussed the efforts to identify non-federal actions impacting listed species. The Seattle Science Center will attempt to relate actions, population approach attributes, habitat, limitation, and USNPS factors.

The expedited time frame for the 7 steps are:

1. Identifying intrinsic potential - 1/04
2. Characterize divergence - 1/04
3. Populations affected – 11/03
4. Link changes in population status – 1/04
5. Integration (Steps 1-4) - 2/04
6. Estuary (Steps 1-5) - no date set but has to be done between now and the middle of March.
7. Rank areas (Tributaries-Mainstem-Estuary) - no date set & pending development

Rob Walton or Kim Kratz will meet with John Stein to investigate the possibilities of collaborating with CBFWA habitat folks to get co-managers input, and meet with the Level 2 groups in each of the three states and Elizabeth Gaar to share information.

Katherine Cheney, BPA is working on public involvement on the BiOp remand.

She directed the MMG to the BiOp Remand web page, at <http://www.salmonrecovery.gov/remand.shtml> for information on BiOp Remand activities. The Federal Caucus contacts are Adele Merchant, USACE and Rob Walton, Chair.

Discussion: The MMG expressed the following concerns:

- the short time frame for planning and scheduling,
- the potential duplication of efforts, and
- that recovery efforts and subbasin plans are compatible.

It was recommended NMFS facilitate meetings in an open positive forum to hear criticism, comments, and respond to concerns.

**ITEM 3: Draft Federal RM&E Plan – Frank Young, CBFWA**

Discussion: The MMG decided that the RME Workgroup should meet as planned, even though several key participants would be unable to attend, to get started preparing the work plan for the first quarter. The MMG also requested that the

**Assignment:** Workgroup make a recommendation on the review of the Draft Federal RM&E Plan. The plan and cover letter are available at <http://www.nwr.noaa.gov/1hydro/hydroweb/fedrec.htm>. Frank will update the MMG and send drafts out for review with a schedule for upcoming conference calls and meetings.

**ITEM 4: WC Committee Charter – Frank Young, CBFWA**

**Action:** The action to approve the draft WC Charter was deferred. The MMG will review and compare the draft WC Charter with the other committee charters and discuss their findings at the next meeting.

**ITEM 5: F&W Funding Agreement (MOA II) – Tom Giese, CBFWA**

Discussion: Tom G. reviewed a draft statement on CBFWA's role in developing the F&W funding agreement for BPA's next rate case.

The MMG had a variety of questions and comments. An important concern is that CBFWA should not appear to be assuming any central or decision-making role with regard to the next MOA. Key policy decisions are unlikely to be made by the state fish and wildlife managers. The fish and wildlife managers are likely to play a pivotal role in defining the needs of fish and wildlife and estimating the cost of meeting them.

Tom G. reported that the Affiliated Tribes of Northwest Indians (ATNI) adopted the Resolution #03-82 supporting the Tribes in taking a lead role in developing the next MOA and calling on the states and federal agencies to coordinate and cooperate with them.

**Assignment:** The MMG assigned Tom G. to redraft the memo addressing the issues discussed and suggested that the redraft be circulated among interested MMG participants before being reviewed at the next MMG meeting.

**ITEM 6: Affiliated Tribes of NW Indians Conference Sept. 22-25, 2003 - Tana Klum, CBFWA**

The update was covered during discussion of Item 5 above.

**ITEM 7: Public Relations – Tana Klum, CBFWA**

The review and comment on the initial draft of the CBFWA brochure was deferred.

**ITEM 8: Committee Updates – Tom Giese, Tom Iverson and Rod Sando, CBFWA****Planning Subcommittee**

**Discussion:** Tom Giese discussed a strategy for developing a work plan for the Subcommittee by integrating the products of the many fish and wildlife planning efforts into an overall planning model or framework for the region.

**Assignment:** Tom G. will summarize and integrate the planning materials into a matrix as proposed. He will keep the Planning Subcommittee involved and report back to the MMG at its next meeting.

**Subbasin/Recovery Plan Integration Work Shop**

**Discussion:** Tom G. reported on discussions he had with NOAA Fisheries staff regarding a proposed work shop to focus on the details of combining and integrating subbasin plans to create larger-scale (e.g., provincial or ESU recovery) plans. The MMG was supportive of the work shop but was concerned with conflicts in scheduling it this fall.

**Assignment:** Tom G. will contact NOAA Fisheries staff to discuss the appropriate date for the workshop and proceed with organizing it.

**Subbasin Plan Comments**

**Discussion:** Tom G. reviewed the schedule for NPCC review and adoption of subbasin plans. He noted that Subbasin Plan recommendations are due to the NPCC on May 28, 2004 with no time extensions likely. The ISRP may have six weeks to make technical comments and the public comment period may last for an additional six weeks. There is no time scheduled for a “fix-it” loop. The NPCC fully intends to adopt Subbasin Plans by January 2005. The MMG discussed a limited role for CBFWA in formulating comments.

**Assignment:** The MMG requested more time to review and think about CBFWA’s participation in the subbasin planning process. These items will be reviewed at the next MMG meeting.

**Discussion: Business Practices Committee**

Tom Iverson gave an update on the Business Practices Committee (BPC). The BPC is revising the draft white paper to capture the discussions, purpose, and intent of the BPC over the past 6 months. The draft may be available for review after the 10/24 BPC meeting at the October MMG meeting, but most likely not until the November MMG meeting. The BPC will make a presentation on the White Paper to NPCC and CBFWA in November. The BPC reviewed the BPA Policy Manual and sent their comments to BPA. The Template Subcommittee is working hard on developing a SOW and Budget Template. The Database Subcommittee is focused on developing the FY 2004 SOY budget and will meet again when the SOW template has been completed.

### **Spill Subcommittee**

**Discussion:** Rod and Tony will be attending the Spill Subcommittee meeting on 10/03/03 to develop management questions for FPAC to develop the technical framework of a study design.

The information generated from the 10/3 Spill Subcommittee meeting will be available for review and comment at the next MMG meeting.

**Assignment:** Rod will meet with the Montana folks to discuss the effects on fish and revenues and the seriousness of the spills.

The MMG agreed that the Foregone Revenue Workshop is valuable and the item be discussed at the next MMG meeting.

**ITEM 9: CBFWA FY 2004 Project Proposal – Rod Sando, CBFWA**

This agenda item was discussed previously in Item 1.

**ITEM 10: HEP Proposal – Frank Young, CBFWA and Paul Ashley, WDFW**

**Update:** Frank gave a short update on the Status of the Regional HEP Team Proposal. In FY 2002 BPA modified the CBFWA proposal and added the HEP contract, however, when the NPCC reduced the CBFWA proposal to the FY 1999 level, that reduction eliminated the funding for the HEP portion of the contract. Paul indicated that BPA supports this proposal and since everyone has assumed it is part of the CBFWA contract, there is no proposal in the system, so it is “hanging out” unfunded.

Paul Ashley contacted Doug Marker regarding the HEP proposal. It was confirmed the HEP/CBFWA proposal is a matter of priority and a decision is schedule in November when the available funds are defined.

**ITEM 11: BPA, CBFWA, NPCC Staff Retreat - Rod Sando, CBFWA**

**Update:** Rod reported that the group is making good progress and a better understanding of their roles and responsibilities. The group is discussing the implementation plan, a dispute resolution process, evaluation, and defining BPA’s obligations and accountabilities.

### **Next Meeting**

Due to scheduling conflicts the next meeting is rescheduled for **Thursday, October 30, 2003**, 9:00 a.m. to 3:00 p.m. at the CBFWA Office, Portland, Oregon.