



June 30, 2005

TO: Members Management Group (MMG)  
 FROM: Tony Nigro, Chair  
 SUBJECT: Draft Action Notes for the June 28, 2005 MMG Meeting

**If there are no objections within 8-days these actions will be considered final.**

The MMG is accountable for ensuring that their policy advisors are informed of the content and implications of any consent mail being reviewed and actions made at the MMG meetings. However, if MMG representatives need further information, the CBFWA staff is available to assist you throughout the process.

**Member Management Group Meeting  
 June 28, 2005  
 CBFWA Office, Portland, Oregon**

Draft Action Notes

**Attendees:** Tony Nigro, ODFW; John H. Rowan, BPA; Lawrence Schwabe, BPT; Garry Hendrickx, Cd'AT; Ronald Peters, Cd'AT; Laura Gephart, CRITFC; John Platt, CRITFC; Attorney Paul Ward, YN; Lonny Macy, CTWSRO; Michele DeHart, FPC; Peter Hassemmer, IDFG; Ray Entz, KT; Joe Maroney, KT; Deane Osterman, KT; Attorney Joe Mentor, Mentor Law Group, PLLC; Dave Statler, NPT; John Palensky, NOAA Fisheries; Mark Fritsch, NPCC; Patty O'Toole, NPCC; Karl Weist, NPCC; Doug Taki, SBT; Mark Bagdovitz, USFWS; Executive Director Mary Verner, UCUT; and Barry Espenson, Intermountain Communications; CBFWA Staff: Executive Director Rod Sando, Jann Eckman, Trina Gerlack, Tom Giese, Tom Iverson, Tana Klum, Kathie Titzler, Neil Ward, and Frank Young, CBFWA

**By Phone:** Brian Lipscomb, CBFWA; Amos First Raised, BPT; John Platt, CRITFC; Lynn DuCharme, CSKT; Bill Towey, CTCR; Scott Soultz, KTI; John Palensky, NOAA Fisheries; Joann Hunt, NPCC; and B.J. Kieffer, STI

**Time Allocation:** **New Contract Objectives:**

Objective 1. CBFWA Committees Participation	67%
Objective 2. Technical Reviews	33%
Objective 3. Presentations	0%

The support material and reference documents for the 06/28/05 MMG meeting are posted at <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MMG&meeting=next> or linked in the document.

**ITEM 1: Introductions and Agenda Approval**

Tony Nigro, Chaired the MMG meeting and the draft agenda was approved. Deane Osterman, KT requested that Item 2 be amended or at least the allocated time be shortened to accommodate their next meeting immediately following their UCUT Proposal Presentations in Item 3. Tony Nigro took the UCUT's request into consideration.

**ITEM 2: Letters from CTCR, STI, KTI, Cd'AT, & KT Informing Members of Intent to Withdraw from CBFWA**

**Discussion:** Some MMG members expressed some bewilderment about the undefined issues in the letters from the Confederated Tribes of the Colville Reservation, Spokane Tribe of Indians, Kootenai Tribe of Idaho, the Coeur D'Alene Tribe, and the Kalispel Tribe of Indians regarding their intent to withdraw from further participation with the CBFWA organization. Deane Osterman, KTI requested that a Policy Members Meeting be called to discuss the UCUTs' issues to withdraw from the CBFWA organization.

Rod Sando requested direction from the MMG on how staff should proceed. Dave Statler asked how CBFWA business should be conducted for the next 90 days without a quorum and UCUTs' participation. Tony Nigro said ODFW takes the letters at face value and respects the five UCUT Members request to withdraw from the organization. Deane Osterman said the UCUTs would participate as necessary until the Members Meeting. Mark Bagdovitz, Dave Statler, Doug Taki, Pete Hassemer, and others all agreed and requested clarity of the letters intent because of the time and effort the Members took earlier this year to address the UCUT issues. Tony Nigro responded that the UCUT letters are not a request to discuss issues but to withdraw from the CBFWA because the organization no longer serves the UCUT purposes. Deane Osterman stated that the MMG's forum is not the place or the time to discuss the UCUTs' issues.

Joe Mentor, Mentor Law Group, PLLC, reviewed the CBFWA Charter, UCUTs' letters and contracts. Any Member can withdraw by providing a 90-day notice. Membership is required to receive Columbia Basin F&W Foundation (CBFWF) contract funding. The CBFWF could cancel the contract without cause giving a 30 day notice and waive the 90 day withdrawal notice.

Joe Mentor indicated that although the Charter did not specify the date that the 90 day withdrawal period would start (whether is was the date of the letter or the date it was received in the main office) by virtue of the notification letters the withdrawal date will begin on the date the letter was received at the CBFWA office and posted. Joe also indicated that since the Charter requires a UCUT to be part of the quorum, there will need to be an amendment to the Charter to change the decision process.

Brian Lipscomb stated that he will be in the office on July 1, 2005. He will begin contacting all the CBFWA Members individually to discuss their issues. He will work with the UCUTs to identify their issues for discussion at the August Members meeting. Brian Lipscomb will work with staff to prepare an issue paper clearly delineating the outstanding issues for the MMG to update and engage their Policy Members prior the August Members Meeting.

Deane Osterman said that this was a step in the right direction.

**ITEM 3: UCUT Subbasin Plan Implementation Proposal**

The UCUT Presentations, Proposal, WDFW and UCUT comments are posted at <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MMG&meeting=next> for review.

**Discussion:** Mary Verner presented an overview of the UCUT Subbasin Plan Implementation proposal presentation. She asked that the MMG view the presentation with a creative and open mind. Her presentation included a history of the Upper Columbia River hydropower developments, F&W impacts, loss of resources, F&W priorities, 1980 Power Act & NWPPC F&W Program language, and the UCUT allocation proposal and recommendations.

Ray Entz presented the UCUT allocation proposal to Implement the Subbasin Plans in the Upper Columbia Ecoregion. The UCUTs' recommendations are to diligently implement the F&W Program to be consistent with Power Act, implement a 10-year funding commitment with the UCUT, focus on BPA obligations for FCRPS impacts, and funding for Upper Columbia Ecoregion at levels of equitable with past impacts and current benefits.

The UCUT allocation formula will not work for the entire region but it will work for the UCUTs and their proposal creates a baseline. The UCUTs' are most familiar with their region needs and agreed that they shouldn't be defining the needs for the Willamette River and Lower Columbia River region.

Ray and Mary stated that the UCUT proposal is well received by the BPA, NPCC, and Utilities. They would appreciate any written or verbal comments on the UCUT proposal or presentations.

**ITEM 4: Ad-hoc Charter Committee**

**Discussion:** Bill Towey updated the MMG on the May 16, 2005 Ad-hoc Charter Committee Meeting. The Ad-hoc Charter Committee decided that it would be appropriate to wait for the new director of CBFWA, Brian Lipscomb to start his position and at that time, they will coordinate their calendars for a half day session to present and discuss the Charter tasks and updates. Dave Statler asked Jann Eckman to review the six tasks assigned by the Members to the MMG. The ad hoc Charter Committee should have a product ready for review at the August Members Meeting. Pete Hassemer requested copies of the completed forms each Member completed on their preferred communication plan. Copies of the completed communication plans and contact numbers for the Members, MMG, and alternates were distributed in the meeting. Pete will help staff to make the list web accessible.

**ITEM 5: Fish Passage Advisory Committee (FPAC) and Fish Passage Center (FPC)**

**Discussion:** Rod Sando and Michele DeHart, FPC presented a request from David Wills, FPAC chairperson to the MMG on whether or not USGS should be granted member status to the Pit Tag Steering Committee (PTSC). The MMG discussed that the Pit Tag Steering Committee (PTSC) and defined it as a technical committee and not a CBFWA Charter committee. The USGS does research for alternate pit tags and is a subcommittee of FPAC. This request is not a decision for the MMG but up to the FPAC's discretion on how they manage or populate the Pit Tag Steering Committee..

The full Senate Report 109-084 - ENERGY AND WATER APPROPRIATIONS BILL, 2006 regarding FPC is linked at <http://www.cbfwa.org/> with other news.

Michele DeHart reported that FPC first heard about the Senate Report on 6/21/05 and that no calls or inquiries were received from BPA and no Tribes or agencies were complaining. Rod and Michele requested direction on how to respond to the Senator Craig's Bill. There is concern that this is the first indication of the Senator's staff to start managing the BPA budget. Decisions should stay here not in Senate. We do not have any access to these decisions.

Paul Ward, YN suggest finding an alternate funding source. Others replied, Congress can't appoint another funding source and considering all the budget cuts, they doubt that anyone has 1.5M dollars to fund the FPC. The timeframe before the energy appropriations is scheduled for the end of September 2005 but could be as late as December 2005.

Mark Bagdovitz is attending the 6/28/05 Federal Caucus meeting. They will be discussing the FPC issues and highlighting what would be lost if the FPC disappeared from the region. The BPA attorneys will be asked the interpretation of the Senator Craig's language written in Senate Report 109-084 - ENERGY AND WATER APPROPRIATIONS BILL, 2006 regarding FPC. Mark said he would keep the MMG updated.

**ITEM 6: August 2&3, 2005 Members Meeting at Holiday Inn, Bozeman Montana**

**Discussion:** The MMG reviewed the August Members Meeting draft agenda. The MMG suggested that some of the topics might be CBFWA unity, future activities, unmitigated needs, how to move CBFWA forward, FPC issue, UCUT issues, ad hoc Charter committee's product, F&W Regional Plan, and NPCC open program at the province level on biological goals for objectives. Please send your agenda items or comments to Jann Eckman by July 12, 2005

**ITEM 7: Judge Redden's Decision - Discuss Reschedule Date for Panel Briefing**

The June 10, 2005 District Court Judge James A. Redden issued an opinion and order is posted at <http://www.salmonrecovery.gov> for your review. The Federal agency appeal of the spill decision is linked at <http://www.bpa.gov/corporate/BPAnews/2005/NewsRelease.cfm?ReleaseNo=647>) and more news is posted at <http://www.cbfwa.org/> for your information.

**Discussion:** The MMG discussed a reschedule date for the panel discussion and decided that the panel discussions regarding Judge Redden's Decisions will be postponed until litigation subsides.

**ITEM 8: All H-Project**

Tom Iverson updated the MMG on the 2005 Fish and Wildlife Program Amendment background material and independent reviews of the AHA tool. More information is available on the CBFWA website at <http://www.cbfwa.org/fwprogram/amendment05>. The Anadromous Fish Committee is facilitating tutorial workshops to expose the AHA Model and biological objective language to other parts of the region. On July 19, 2005 the AFC will meet to have conversations on how to best define the biological goals & objectives for the program for annual reporting on anadromous fish. The resident fish committee is also working developing goals and objectives. The Technical Recovery Teams have established definitions for ESUs and populations for anadromous fish, so the question is "do these change as you roll up to province and regional level objectives?" The CSMEP is leading the development of a comprehensive M&E plan for the program and should be included in these discussions. Tom Iverson will update the MMG on the developments of this exercise.

**ITEM 9: FY 2006 SOY Budget Process**

**Discussion:** Tom Iverson presented the FY06 SOY Budget Issues and proposed FY06 Within-year Budget Modification Process and Figure 2 Flow Chart to the MMG for review and comment.

Mark Fritsch, NPCC, Karl Weist, NPCC, and John Rowan, BPA requested comments from the CBFWA Members on the draft proposal, which will be presented at the July 13, 2005 NPCC meeting. The NPCC will be reviewing and adopting the Fiscal Year 2006 Fish and Wildlife Program annual budget in July and possibly August. It is anticipated that the NPCC will also adopt a process for modifying project budgets and statements of work during the fiscal year. The proposed process was developed by members of the current Budget Oversight Group (BOG) for consideration by the NPCC, CBFWA Members, and BPA.

**ACTION:** The MMG directed staff to distribute the proposal along with an explanation of the CBFWA staff's role within the process to the Members for their review and comment. Written comments are due to Tom Iverson by July 12, 2005.

Items in the Draft June 29, 2005 proposal to note:

- 1) CBFWA staff is asked to participate on the Budget Oversight Committee (BOG). The BOG will categorize projects based on pre-determined criteria (see proposal). Although these criteria are not intended as "prioritization criteria", they will group projects and determine some level of urgency and need. In effect, this will delegate some decision making ability to the BOG for organizing and managing within-year budget adjustment requests.
- 2) A policy group is created that involves the Executive Director of CBFWA in reviewing "emergency" and "time sensitive" budget modification requests and determining if those requests should be forwarded to Council for decision. The Policy Group will have some authority to determine the urgency of within-year budget modification requests and direct some requests for expedited consideration.
- 3) A 30-day comment period is provided during the Quarterly Review Process which would allow CBFWA an opportunity to review and prioritize the list of within-year requests against a pre-determined funding level. If CBFWA members choose, CBFWA could be involved in prioritizing the within-year budget adjustment requests.

This proposal pursues the delegation of some decision making authority to BPA, BOG, and the Policy Group in order to simplify day to day operations of BPA's contracting processes.

**ITEM 10: Rod Sando's Retirement Roast & Toast**

Rod's retirement celebration is scheduled for July 14, 2005 from 5:00-8:00pm at the Paramount Hotel on 808 SW Taylor Street, Portland, Oregon. Contact Tana Klum if you would like to participate in toasting and roasting Rod. If you didn't receive an invitation, please contact the CBFWA office to confirm your attendance by July 5, 2005.

**ITEM 11: Next MMG Meeting Date/Location and Other Meeting Information**

The next MMG Meeting date and location is confirmed for July 26, 2005, CBFWA office.

The next NPCC Meetings are scheduled for July 12-14, 2005, Portland, Oregon, and August 9-11, Missoula, Montana.

The Summer CBFWA Members Meeting scheduled for August 2&3, 2005 at the Holiday Inn, Bozeman, Montana.

**Additional informational item:** Pete Hassemer reported that the July 12-14, 2005 NPCC meeting is fully dedicated to Harvest issues. Karl Weist, NPCC-OR has scheduled a Harvest 101 panel to discuss policy and management harvest issues. The panel participants are from Alaska, Canada, WDFW and CRITFC. The ISRP Harvest Report was released last week and is posted for review at <http://www.nwcouncil.org/library/isab/isab2005-4.htm>.

H:\work\mmg\2005\_0628\ActionNotes062805Draft.doc

**CURRENT STATUS OF THE FOLLOWING ISSUES: (These issues are updates or links to information for your information.)**

**BPA & Upper Columbia United Tribes Sign Agreement June 30, 2005** – The link is at <http://www.bpa.gov/corporate/BPAnews/2005/NewsRelease.cfm?ReleaseNo=650>

The Senate Report 109-084 - ENERGY AND WATER APPROPRIATIONS BILL, 2006 - **June 16, 2005** that eliminates funding for the Fish Passage Center starting in FY 2006 is linked at [http://thomas.loc.gov/cgi-bin/cpquery/R?cp109:FLD010:@1\(sr084\)](http://thomas.loc.gov/cgi-bin/cpquery/R?cp109:FLD010:@1(sr084)) for your information.

**Federal Agency Appeal of the Spill Decision – June 16, 2005** - The BPA news release is posted linked at <http://www.bpa.gov/corporate/BPAnews/2005/NewsRelease.cfm?ReleaseNo=647> for your information.

**Judge Redden's Ruling – June, 10, 2005** – Judge Redden ruled for the plaintiffs for additional summer spill. He did not vacate or remand the BiOp. He asked the attorneys to work out some briefs on how the remand should be done and will rule on that at a later date. He reprimanded the parties and told them they had to work together to develop the next BiOp. News Releases are posted at <http://www.cbfwa.org/> for your information. The June 10, 2005 District Court Judge James A. Redden issued an opinion and order is posted at <http://www.salmonrecovery.gov> for your review.

**Judge Redden's Opinion and Order on the FCRPS Biological Opinion** (May 26, 2005) has been posted the CBFWA webpage under "News" at the following link <http://www.cbfwa.org/default.cfm>.

**BiOp Information postings are linked at**

[http://www.salmonrecovery.gov/Implementation/Reclamation\\_Decision\\_Document.pdf](http://www.salmonrecovery.gov/Implementation/Reclamation_Decision_Document.pdf)

[http://www.salmonrecovery.gov/Implementation/BPA\\_Decision\\_Document\\_BiOp.pdf](http://www.salmonrecovery.gov/Implementation/BPA_Decision_Document_BiOp.pdf)

[http://www.salmonrecovery.gov/Implementation/Army\\_Corps\\_UPA\\_Rod.pdf](http://www.salmonrecovery.gov/Implementation/Army_Corps_UPA_Rod.pdf)

**CBFWA Executive Director** – Brian Lipscomb has accepted the position of Executive Director of the Columbia Basin Fish and Wildlife Authority (CBFWA) in Portland, Oregon. Mr. Lipscomb is a member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and was selected for this position by consensus action of the CBFWA Members at their Executive Meeting on May 25, 2005. He will begin his position July 1, 2005. The announcement is posted at <http://www.cbfwa.org/Committees/Members/documents/Resolutions/BrianLipscombPressRelease.pdf>.

**CBFWA Rolling Provincial Review Implementation Annual Report Volume II** - The report will be presented at the June 2005 NPCC Meeting and released to the region for review. The report is currently available on the CBFWA website at <http://www.cbfwa.org/fwprogram/documents.cfm>. One hard copy and CD will be sent to each CBFWA Member. CD's will also be available upon request. Information presented in this report includes the accomplishments of projects that were reviewed during the Anadromous Fish Committee's 2004 conferences in the Tri-Cities and Portland as well as an update of BPA's fish and wildlife expenditures. Projects reviewed during the 2004 conferences, but not included in this report, will be updated and represented in Volume III. Please contact Neil Ward at [neil.ward@cbfwa.org](mailto:neil.ward@cbfwa.org) if you have any questions.

**All-H Project for Biological Objectives** – CBFWA staff will be organizing local workshops in the Walla Walla and Imnaha subbasins to test run the All-H Analyzer tool. It is expected that the co-managers will discuss resident fish objectives at these workshops as well. CBFWA staff has created a web page on the CBFWA web site to track progress of the Council's development of the next Program amendment process (see <http://www.cbfwa.org/fwprogram/amendment05>).

**Run Status and Harvest Issues:** Pete Hassemer is giving updates on fish migration status and the importance of keeping the NPCC F&W Committee updated on harvest and run timing issues. The Council will sponsor a mini-workshop at their July meeting to discuss an IEAB report on the economic impacts of fishing and the ISAB harvest report. WDFW will provide the migration update presentations for summer Chinook starting in June through August. The ISAB Harvest report is posted at [http://www.nwcouncil.org/library/isab/2005-4/ISAB\\_2005-4\\_Complete\\_Report.pdf](http://www.nwcouncil.org/library/isab/2005-4/ISAB_2005-4_Complete_Report.pdf) for your information.

**The Members Committee Appointments & Communication Protocol Template** is posted at [http://www.cbfwa.org/Committees/MMG/Meetings/2005\\_0406/CBFWAdesigneesCommunicationRequestSurvey030405.doc](http://www.cbfwa.org/Committees/MMG/Meetings/2005_0406/CBFWAdesigneesCommunicationRequestSurvey030405.doc).

**Draft Columbia River Basin Research Plan** – The Northwest Power and Conservation Council is incorporating the 11/30/04 comments and revising the Draft Columbia River Basin Research Plan - <http://www.nwcouncil.org/library/2004/2004-13.htm>.

**NPCC Regional Forum** – At the 10/28 MMG meeting, Pete Hassemer, IDFG informed the group that the NPCC is generating discussions on changing the structure of the Regional Forum and recommended that they read the documents listed below. It appears the regional forum restructure issue has lost its momentum for now. See reference documents below:

1. NPCC's August Meeting Minutes - [http://www.nwcouncil.org/news/2004\\_08/minutes.pdf](http://www.nwcouncil.org/news/2004_08/minutes.pdf)
2. NPCC's 5<sup>th</sup> Power Plan - <http://www.nwcouncil.org/energy/powerplan/draftplan/Default.htm>
3. NPCC's Annual Report to Congress - <http://www.nwcouncil.org/library/2004/2004-10.htm>