



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

851 SW Sixth Avenue, Suite 260 | Pacific First Building | Portland, OR 97204-1339 | Phone: 503-229-0191 | Fax: 503-229-0443

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 government 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 Department of Fish, Wildlife and 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

DATE: February 5, 2007
TO: Members Advisory Group
FROM: Lynn DuCharme, Chair, and Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from 12/19/06 MAG Meeting

MAG Meeting

Tuesday, December 19, 2006

10:00am-3:00pm

@ CBFWA Office, Portland OR

The support material and reference documents for the 12/19/06 MAG meeting are posted at <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>

Final Action Notes

Attendees: Lawrence Schwabe, BPT; John Platt, CRITFC; Phil Roger, CRITFC; Bart Butterfield, IDFG; Mark Schneider, NOAA Fisheries; Cedric Cooney, ODFW; Tom Rien, ODFW; Bruce Schmidt, PSMFC; Doug Taki, SBT; Tim Dykstra, SPT; Mark Bagdovitz, USFWS; Dick O'Connor, WDFW; Nathan "Nate" Pamplin, WDFW; Brian Lipscomb, Dave Ward, Trina Gerlack, Kathie Titzler, Pat Burgess, CBFWA; Greg Delwiche, BPA.

By Phone: Lynn DuCharme, CSKT; Dale W. Chess, Cd'AT; Laura Gephart, CRITFC; Bill Towey, CTCR; Carl Scheeler, CTUIR; Lynnae Sutton, FPC; Peter Hassemer, IDFG; Sue Ireland, KTI; Scott Soult, KTI; Janet Hess-Herbert, MFWP; Brian Marotz, MFWP; Dave Statler, NPT

Time Allocation:

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

ITEM 1: Introductions and Approval of Agenda

An announcement/discussion on the 50th Anniversary of the inundation of Celilo Falls was added to the agenda and scheduled for the afternoon session.

- Carl Scheeler moved to accept agenda with requested addition.
- Doug Taki seconded motion. Motion passed, action approved.

Note: In the course of the meeting, agenda items were rearranged. As a result, agenda items are listed in the order in which they were discussed.

ITEM 2: Review the 11/21/06 MAG Meeting Draft Action Notes and approve as Final

- Pete Hassemer moved to accept 11/21/06 MAG meeting draft action notes as final.
- Nate Pamplin seconded motion. Motion passed, action approved.

ITEM 3: Update Wildlife O&M Issue - Brian Lipscomb, CBFWA

Discussion: Brian Lipscomb provided background information on this agenda item:

In the FY 07-09 recommendations to BPA the NPCC recommended that all wildlife O&M funding be considered interim. Asserting that neither the NPCC nor BPA had ever reviewed wildlife O&M costs, the NPCC advised that a final recommendation would be

made subsequent to a review. Brian highlighted the following points:

- NPCC has initiated this review since the recommendations in October.
- Received briefing from BPA PISCES data at the November meeting.
- Met with BPA to develop a work plan for the review on 12/4/06.
- Developed a draft assignment to the Independent Economic Analysis Board (IEAB) as part of the work plan for consideration by the NPCC at their December meeting.
- As a result of this activity some members expressed concern that this conversation was proceeding on a track without Fish & Wildlife Managers' input.
- On a separate track from these efforts the UCUT's scheduled to give an overview of Wildlife O&M to the Fish and Wildlife Committee at the December NPCC meeting. CBFWA was able to work with UCUT from this presentation and request that all the Fish and Wildlife Managers be included in this conversation and that NPCC not make the assignment to the IEAB prior to that input.

Based on this information the NPCC held off on their IEAB assignment until CBFWA input could be provided and they are also looking to include the Fish and Wildlife Managers in the overall evaluation of wildlife O&M. The NPCC would like a presentation from CBFWA at its January meeting to inform this discussion and provide feedback to the IEAB.

Brian referenced IEAB Task documents #105: Scoping Investigation of Available Project Information and #116: Investigation of Wildlife O&M Costs. **Task documents 105 and 116** and the **UCUT presentation** and **O&M Fact Sheet** are posted for review at: <http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

Given the fact that the WAC meeting is scheduled for 1/11/06 and the next Members teleconference is scheduled for 1/3/07, Brian asked that the MAG direct that he and the technical committees work with WAC to present input into this issue at the January 2007 NPCC Meeting. CBFWA staff will provide a briefing to the Members at their meeting on 1/3/07 and then continue to finalize the presentation for the 1/16-18/07 NPCC meeting.

Action:

- Carl Scheeler moved that the MAG direct Brian Lipscomb and the CBFWA technical committees to work with WAC on a presentation for the NPCC January meeting. CBFWA Staff will provide the information to the Members at the 1/3/07 Members' meeting.
- Scott Soult's seconded motion. Motion passed, action approved.

ITEM 4:

CBFWA Feedback on StreamNet in 2007-09 Priorities – Brian Lipscomb, CBFWA

The Steering Committee is in the process of finalizing tasks in its 2007-09 work plan and CBFWA's input would be beneficial. Bruce Schmidt at PSMFC is recruiting Steering Committee members for the discussion.

Discussion:

Dave Ward began the discussion by advising that the Council's interim funding recommendation for StreamNet for FY 07 is 2.3M, (the 2006 funding level), pending further review and recommendation. MSRT recommended funding was 2.5M. StreamNet's requested funding was 2.9M.

Bruce Schmidt referenced the data management workshop facilitated by CBFWA in September. The workshop was successful at developing a basis for recommending priorities to the NPCC for data support services but consensus was not reached on critical StreamNet tasks or in assigning task priorities.

The StreamNet (SN) steering committee drafted a modified work plan based on their understanding of the workshop output and broadly supported opinions of the

participants.

The SN steering committee did not submit a final work plan to the NPCC but instead briefed the Council at the December meeting on the status of the revised FY 07-09 SOW. The briefing detailed the proposed changes required to change SN's current mode of operation from one of responding to information requests, to one of proactively seeking information to support future evaluations and identified the work elements that need to be changed or modified to meet this new mode of operation.

Bruce referenced the four dominant themes listed under the *Work Plan Consideration and Potential Direction* within the handout *StreamNet Work Plan Briefing FY 07-09 dated 11/30/06* posted for review at:

<http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

In order to perform the new and existing work under the current funding level, it will be necessary to drop or defer work on some existing data types. Bruce referenced Table 1 at the end of the briefing document listing potential SN work to be prioritized and additional options based on the funding level recommended by the MSRT and workshop output.

Discussions focused on how the task priorities would change if the Council only funds SN for FY 07 at the 2006 level funding 2.3M.

Tom Rien, ODFW, expressed concerns that the work plan priorities are not in line with ODFW priorities. Bruce Schmidt stated that StreamNet is committed to sitting down with ODFW to understand their needs and decide what is needed and add it to the SOW.

Brian Lipscomb suggested that the MAG assign the technical committees to identify data management needs using StreamNet's revised work plan to help provide feedback to the MAG to formulate a CBFWA action encouraging the Council to turn the interim funding request into a final recommendation. Questions to answer include: 1) what do the tribes need, 2) what are the technical aspects, and 3) how does it feed into the overall data management picture?

Action:

- Tom Rien moved for the MAG to assign the technical committees to identify data management needs and provide feedback at the January MAG meeting.
- Mark Bagdovitz seconded motion. Motion passed, action approved.

Brian Lipscomb suggested that for the short term that the MAG work with Bruce to hammer out FY 07 priorities.

Action:

- Tom Rien moved to populate a subcommittee, with CBFWA as facilitator, to review short-term funding and provide prioritization inclusion in work plan for FY 07 interim funding.
- Mark Bagdovitz seconded motion. Motion passed, action approved.

Subcommittee volunteers: Tom Iverson and Dave Ward of CBFWA will tag-team, Tom Rien (ODFW), Nate Pamplin (WDFW), Dale Chess (Cd' AT), and StreamNet Steering Committee members Janet Hess-Herbert (MFWP), Dick O'Connor (WDFW), Bart Butterfield (IDFG), Cedric Cooney (ODFW), Phil Roger (CRITFC), and Bruce Schmidt (PSMFC). Pete Hassemer (IDFG) stated interest but will need to discuss it internally first.

The subcommittee will report to the January 25th MAG meeting. Brian Lipscomb will confirm timelines with Doug Marker (upon Doug's return from the holiday 1/2/07). Bruce Schmidt stated that the SN steering committee will work up a clarified draft proposal for the committees to work with.

ITEM 7:

Coordination Issue as Element of Amendment Recommendation

- Review CBFWA Presentation on FY 07-09 Work Plan for the January 07 NPCC

Meeting

- Discuss context
- Discuss process to develop recommendation

Discussion:

Brian Lipscomb directed the MAG to review the matrix handout defining CBFWA FY 07-09 work plan work elements. This matrix will provide the basis for CBFWA's coordination presentation to the Council at the January 16-18, 2007 NPCC meeting. Funding for CBFWA, and the four other coordination projects (CRITFC, UCUT, Kalispel, and Spokane), is for one year pending further discussion and resolution of the coordination issues. The Council will monitor the process on demonstrated deliverables.

CBFWA had an initial meeting with Molly Moreland, BPA COTR. Brian stated that a meeting will be held in January with the coordination project sponsors with intent to frame up issues culminating in a recommendation to the Council.

During 2007, as part of the amendment process, the Council will develop definitions for program categories and perform evaluations of groups of projects to establish O&M requirements. A clause within the Power Act indicates that NPCC must include funding for coordination. Brian stated that the current coordination requirement is all implicit; this is an opportunity to create an explicit coordination requirement in the fish and wildlife program.

Mark Bagdovitz emphasized that CBFWA will need to formulate the message clearly and firmly grounded in the Power Act language.

The draft matrix titled "*Coordination Issue: CBFWA Work Element of Amendment Recommendation*" is posted for review at:

<http://www.cbfgwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

Action:

- Mark Bagdovitz moved to include with development of FY 07 CBFWA work plan, a coordination amendment to the program encompassing all aspects of management coordination (i.e., local, regional, adaptive management) and prepare this for review and approval by the Members at the February 2007 meeting in Boise ID.
- Doug Taki seconded motion. Motion passed action approved.

*Holiday Lunch 12:00-1:00 pm***ITEM 9:**

Discussion on Distribution of the Status of the Resource Report - Brian Lipscomb, CBFWA <http://www.cbfgwa.org/sotr/>

Discussion:

Neil Ward, of CBFWA staff, is putting the finishing touches on the FY 05 Status of the Resource Report (SOTR) this week. Brian Lipscomb requested the MAG's thoughts on the process of distributing the report. A hard copy costs approximately \$100/copy to produce, CDs are just a nominal cost to produce. Brian stated that the CBFWA budget will cover Member distribution but funds for additional distribution will require a within year modification. Report recipients and approximate copies that Brian cited, as an example, in addition to the Members: BPA (10 copies), NPCC Members (20 copies).

- Carl Scheeler commented that the fish and wildlife managers were the parties least requiring a hard copy and suggested that instead conservation/educational groups be targeted using the opportunity for outreach.
- Brian added that we may want to target the utilities as well.
- Another alternate method of distribution would be to send out a letter announcing the SOTR including a link and/or a CD.

Action:

Brian suggested that a list be compiled of entities/agencies to target for distribution. He asked that MAG members respond to him at or before the 1/25/07 MAG meeting.

ITEM 10: Update on CBFWA Office Move - Jann Eckman and Kathie Titzler, CBFWA

Brian Lipscomb provided the move update on Kathie & Jann's behalf. He advised that not much has changed since the last update. CBFWA is still considering a move to the 3rd floor of the building but all costs and options are being reviewed including the consideration of the FPC moving in with CBFWA.

As a side note in this discussion, Brian advised that the FPC budget was extended by BPA to January 07 and may be extended through to the end of Spring 07.

ITEM 6: Program Evaluation Process and Work plan for CBFWA, which will result in recommendations to amend the Program

- Discuss outline of possible amendments
- Discuss process to assemble
- Input from technical committees

Discussion:

Brian explained that the Power Act requires that the fish and wildlife program must be open to amendments every five years, prior to the Council's review of its Power Plan. The last plan was adopted in 2004 so the next review must take place by 2009. Inclusive of public comment, the entire process takes about one year to complete so the formal process will probably occur during 2008.

NPCC just completed the 07-09 recommendations. 2010 is the next round of program recommendations and that process will begin in 2009. BPA's rate case is set for 07-09 and discussions begin again in 2008, culminating in mid 2009. If we want to see changes made, it would be useful to effect these conversations.

Brian referenced the *Outline of Program Amendment Recommendations* contained within the *2008 Fish and Wildlife Program Amendment* handout drafted by CBFWA staff. Brian requested that the MAG direct the technical committees to take the outline and flesh it out with the intent of presenting it to the Members at the February meeting in Boise for endorsement.

John Platt added that based on the language in the Power Act, the Council can only reject proposed amendments if they are in conflict with the Act.

Brian has requested the assistance of Joe Mentor, Jr., CBFWA's legal advisor, to provide legal context as it applies to the Power Act and to provide continuing advice as recommendations are developed. Brian has asked Joe to attend the February 07 Members' meeting.

Review the 2008 Fish and Wildlife Program Amendment handout posted as "**Program Evaluation Process and Work Plan for CBFWA - Draft**" at:

<http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

It was understood that holiday schedules and assignments already given may preclude the technical committees from completing the outline in full by the February Members' meeting.

Action:

- Mark Bagdovitz moved for the MAG to direct the technical committees to take the outline and flesh out what works and what doesn't work and report back with more detail to the MAG at the January 25th meeting.
- Doug Taki seconded motion. Motion passed, action approved.

ITEM 5: BPA Presentation on *In Lieu* Findings – Greg Delwiche, BPA

Greg Delwiche referenced the letter sent by BPA, signed by Greg, to NPCC, in August 3, 2006 in response to NPCC Members request to make BPA's *in lieu* funding concerns known for the proposals received in their joint FY 07-09 solicitation process. On

October 6, 2006, a follow up letter was sent to NPCC from W. Maslen, BPA, enclosing preliminary *in lieu* ratings for ongoing projects.

Greg advised that attached to the 8/3/06 letter is the *in lieu* key and rating system that Bonneville is utilizing in the rating process.

BPA has not firmed up the timeline but they hope to finalize ratings in January. After finalizing ratings, they will go to NPCC to have dialogue about feedback on ratings.

BPA will review rankings for accuracy, cost share, and complimentary activity. This will be a two to three step process: preliminary rating, final ratings informed by COTR, and remedying of issues. In terms of remedies, ratings of three for existing projects would be provided a reasonable window of one contract year.

Alternate solutions include cost sharing but they are struggling with what constitutes an appropriate amount of cost share and parallel or complimentary mitigation activities (three-way MOU between BPA/sponsor/third-party). The key for cost-share is not developed yet.

Asked to what extent BPA gets involved with other agencies to take cost share responsibility instead of expecting the fish and wildlife manages to take it on? Greg responded: BPA ends up with a guideline of 30% for non-BPA cost share. What BPA brings to the table is to act in a way that is compliant with the Power Act. BPA does not get involved – they don't have staffing to do a lot of work in this area.

When asked if there would be a "road map" to where the region needs to be with regard to hydro mitigation, Greg referred to the Power Act in which BPA is called to protect, mitigate, and enhance. Greg stated that they really don't have a "road map" but calling for provincial objectives may be the answer. BPA supports provincial objectives providing the dialogue takes place about what that means.

Subbasin plans are intended to be for restoring and recovery of the ecosystem within each subbasin. BPA doesn't go so far as to identify projects or comprehensive plans to rebuild/restore the ecosystem. Engagement is on a project specific basis and through the Council process.

Note: The **BPA 8/3/06 and 10/6/06 *in lieu* letters** are posted on the CBFWA site for review and information. In addition, CBFWA staff prepared a document titled ***BPA In-lieu Sores Summarized by CBFWA Sponsor*** which is also posted for review. All three documents can be found at:
<http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

Action:

- Nate Pamplin moved for the MAG to direct the technical committees to review the final BPA ranking letter and bring back information for the MAG (1/25/07 meeting) to engage with BPA in February 2007.
- Lawrence Schwabe seconded motion. Motion passed, action approved.

Statement to Abstain: Mark Bagdovitz went on record stating that he abstained from this motion but was not objecting. His reason for abstaining was that he does not agree that BPA has authority to abstain from assigning cost share that Congress has already promoted to them.

ITEM 8: Update Innovative Project Solicitation - Brian Lipscomb, CBFWA

Patty O'Toole, NPCC, provided a copy of a presentation that was given at the December 06 NPCC meeting. The presentation can be viewed at:

<http://www.cbfga.org/committees/Meetings.cfm?CommShort=MAG&meeting=all> or on the Council's website at http://www.nwcouncil.org/news/2006_12/fw_innovative.pdf.

Patty O'Toole also provided the following comments via email: The Council will consider an "innovative" project solicitation at their January meeting in Vancouver, Washington. The Council's Fish and Wildlife Committee has been discussing this topic over the last two months and recommends that the Council consider opening a

solicitation in early 2007. The Committee supports a fairly "narrow" definition of "innovative," focusing on work that can yield immediate benefits to fish and wildlife. They also support moving forward with one solicitation, implemented in FY 08 and 09, with up to \$3 million available for the solicitation. Bonneville's decision letter on the 07-09 recommendations will likely address the concept of an innovative project solicitation in 2007. This letter is expected in January. They have been generally supportive of the concept. Council staff will present an innovative solicitation process description at the January meeting.

Discussion: Brian Lipscomb advised that historically, CBFWA, as an organization, has not supported innovation funding at this level. The MAG briefly discussed the anticipated process and direction that the Council may take. Dave Statler suggested supporting innovative projects that were highly rated by the MSRT but fell off the table through the funding process. The MAG discussed how this might play out and if it would be feasible to suggest given that only one year of funding may be secured for projects requiring and requesting three year funding.

Brian suggested that the MAG direct staff to draft a letter recommending this alternative to Members and requesting endorsement at the February 2007 Members' meeting. This would be offered as an alternative for FY07 innovative projects but not be restricted to FY07 funding.

Action: Dave Statler moved for the MAG to direct staff to draft a letter recommending to Members that CBFWA respond to the Council requesting that they consider as an alternative using 07/09 proposals that were highly rated as a reservoir from which to consider for innovative projects.

Mark Bagdovitz seconded motion. Motion passed, action approved.

ITEM 11: 2007 Winter Members Meeting

- Possible Dates - February 7&8, 2007
- Location – Boise, ID
- Agenda – Discuss commitment of developing amendment recommendations and what they need to look like.

Action: The MAG will recommend to the Members' via their January 3, 2007 meeting agenda that the 2007 Winter Members meeting be held on February 7-8, 2007 in Boise, Idaho. Agenda items cued for the February 07 meeting include the Program Evaluation Process and Work plan for CBFWA/Resulting in recommendations to amend the Program and the proposed Innovative Project Solicitation.

ITEM 12: Next MAG Meeting

The next MAG Meeting is scheduled for January 16, 2007 at CBFWA office in Portland but this date conflicts with the NPCC meeting scheduled for January 16-18, 2007 in Vancouver, WA.

Brian Lipscomb stressed the importance of the MAG members to attend the January MAG meeting given the significant issues on the table requiring discussion.

Action:

- Dave Statler moved to reschedule the January MAG meeting from Tuesday, January 16, 2007 to Thursday, January 25, 2007.
- Mark Bagdovitz seconded motion. Motion passed, action approved.

ITEM 13: 50th Anniversary of the Inundation of Celilo Falls – John Platt

Discussion: John Platt informed the MAG that March 10, 2007 marks the 50th anniversary of the inundation of Celilo Falls. John stated that Celilo Falls was known as the "Wall Street of the West" because of the extensive trading of goods that took place there over time.

The last Memorial was in 1982 at the time of the development of the Council program. John stated that this was an opportunity to focus public attention of hydro/fish and wildlife system.

The four tribes have events planned which include a feast at Celilo, and the Columbia River History Center will be host to a major conference addressing Celilo, and Roy Sampsel, Institute for Tribal Government, will provide education on hydro development as it applies to the Columbia.

Paul Koberstein of Cascadia Times (www.times.org) wants to put together a whole issue on Celilo Falls.

John Platt will give a talk at the February Members' Meeting requesting that CBFWA Members partner with CRITFC to raise awareness across region.

Action:

Brian Lipscomb will work with John Platt and CRITFC between now and the MAG meeting on 1/25/06 with plans to take this to the Members at the February 07 meeting in Boise.