



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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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 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

Compact of the Upper Snake River Tribes

DATE: October 8, 2007
TO: CBFWA Members Advisory Group (MAG)
FROM: Mark Bagdovitz, USFWS and Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from September 26, 2007 MAG Meeting

Members Advisory Group (MAG) Teleconference Wednesday, September 26, 2007

@ Columbia Basin Fish and Wildlife Authority (CBFWA), Portland OR
The support material and reference documents for the meeting is posted at
<http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

Final Action Notes

Attendees: Brian Lipscomb, Jann Eckman, Tom Iverson, Ken MacDonald, Neil Ward, Dave Ward, Pat Burgess, CBFWA

By Phone: Mark Bagdovitz, USFWS, Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Brad Houslet, CTWS; Margaret Filardo, FPC; Paul Kline, IDFG; Janet Hess-Herbert, Montana Fish, Wildlife & Parks; Gary Sims, NOAA Fisheries; Tony Nigro, ODFW; Brad James, WDFW; Brodie Cox, WDFW; Nate Pamplin, WDFW; John Platt, CRITFC; Bruce Schmidt, PSMFC; Lynn Palensky, NPCC

Time Allocation:

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

ITEM 1: Introductions and Approval of Agenda

http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/DraftMAGagenda2007_0926.pdf

Action: The MAG approved the agenda as presented. No objections.

ITEM 2: Fish Passage Center Oversight Board (FPCOB) Discussion

Brian Lipscomb reviewed six FPCOB work expectations for 2007-2008 bulleted on page one of the CBFWA briefing document as articulated by the FPCOB in the August 2, 2007 meeting.

(http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/FPCOBIssueBriefingPaper.pdf). Page two of this briefing document references four bulleted questions requiring CBFWA Members input in preparation of the October 15th FPCOB meeting.

Brian also presented a CBFWA diagram of an anticipated organizational structure: http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/picture%20FPC%20Oversight.rev.5.18.06.pdf

Tony Nigro, Oregon Department of Fish and Wildlife (ODFW), and FPCOB member, confirmed that the FPCOB did not action on the work expectations but instead the FPCOB members were asked to be prepared to discuss them at the next meeting in Missoula, MT. Tony added that the FPCOB expectations raise some underlying issues that warrant discussion by the CBFWA membership.

The MAG held a lengthy discussion regarding the current structure of the FPCOB within the Program and how CBFWA relates to the Board, prompting the question: Are all CBFWA Members comfortable with CBFWA assuming the role called for in the Program as it relates to the FPC Manager's oversight, supervision, and performance evaluation and as it relates to CBFWA nominating members for the

FPCOB Technical Advisory Board to the FPCOB?

Brian Lipscomb referenced Bruce Measure's briefing at the September CBFWA Members meeting in Polson in which Bruce articulated the Northwest Power and Conservation Council's standing invitation to the Lower River Tribes for their participation.

John Platt, Columbia River Inter-Tribal Fish Commission (CRITFC), commented that the current FPCOB functions are not acceptable to the Lower River Tribe's CRITFC members and that the invitation is an effort directed toward persuading the Tribes to join, not to discuss the functions of the FPCOB.

John added that the Lower River Tribes provided two reasons, through meetings with the NPCC and by letter, for not participating in the FPCOB: 1) it creates a layer of bureaucracy that would prevent the Fish Passage Center (FPC) from carrying out the duties that it was intended to carry out (those duties originate in 1976 when the Tribes first made a MOU with BPA) and, 2) it is not the role of the NPCC to judge the scientific expertise of the FPC which is there to serve primarily the agencies and tribes and not the NPCC.

A legal analysis of the FPC Manager performance evaluation issue provided by Joe Mentor confirmed that sharing of personnel information, (i.e. performance review) is not allowed under Oregon State Law outside the employee/employer relationship. Brian stated that he cannot by law do a performance evaluation for the FPC manager unless the FPC contract resides with CBFWA or unless there's a written agreement between Randy Fisher, Pacific States Marine Fisheries Commission (PSMFC) and CBFWA, allowing the evaluation to be done by Brian. The previous agreement has not been renewed; therefore, at this point in time we don't have the contract or a written agreement in place.

Brian stated that Bruce Measure indicated to him that the delegation of the FPC Manager oversight duty has extended from the NPCC Chair to Bruce and inquired that he and Brian discuss the process to proceed.

The MAG was not able to reach consensus on this issue. Members require more time to discuss the issues. In conclusion, Brian Lipscomb stated that CBFWA staff will craft a statement of position for consideration by the MAG at the October 23rd meeting, and then possibly for Members endorsement on November 7th.

Tony Nigro suggested that the MAG consider going on record and describe CBFWA's interpretation of the role of the FPCOB as contemplated by the Program. Brian Lipscomb referenced the letter sent from CBFWA to the NPCC in April as a good foundation to build on for further communication:
http://www.cbfwa.org/RegionalIssues/Correspondence/CBFWA/2007_0404CBFWAtoNPCC.pdf.

In the interim period with regard to FPCOB participation, the MAG suggested that Brian state to the FPCOB that CBFWA is not in a position at this point in time to communicate to the Board or to the NPCC on how it interprets the F&W program language or in terms of the role CBFWA anticipates serving with the FPCOB. Brian will brief the CBFWA Members on the message that he will provide to the FPCOB at the October 15th meeting.

ITEM 3: CBFWA Work Plan and Project Funding Request

http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/CBFWAstaffmemoToMAGFY08-09BudgetProposal.pdf
http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/CoordinationDefinitions_9-19-07MbrsApproved.pdf

Brian Lipscomb advised that this discussion was sent back to the MAG from the CBFWA Members discussion in Polson with the direction that the MAG should contemplate further the CBFWA FY08-09 project proposal based on the more specific description and definition of management coordination adopted by the

Members at the Polson meeting.

CBFWA staff presented a spreadsheet

http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/CBFWA08-09costsMAG.xls showing deliverables that can be provided within the CBFWA work plan, and including an element of funding for Member participation. Brian articulated that the MAG needed to decide: 1) whether or not the list of products is extensive enough and, 2) contemplate how to spread the funding between staff support and Member participation to adequately develop the products.

The staff position currently vacant within CBWFA generates about \$100,000 in funds that could be utilized for: 1) tribal coordination or public relations or rewriting the position within CBFWA to provide different services to the Members 2) bolstering Members' participation, or 3) turn the money back and reduce the overall size of the budget.

The MAG decided it feasible for MAG members to provide to CBFWA staff a needs-based budget of Members' participation costs by COB Tuesday, October 2nd. This information would allow CBFWA staff to complete an analysis to determine the best strategy to provide via a recommendation to the Members at the October 3rd teleconference.

Action: The MAG direct Brian Lipscomb and CBFWA staff to work electronically to formulate a recommendation by COB Tuesday, October 2nd. No objections.

For further information on CBFWA coordination funding for FY08-09, Tom directed MAG members to reference the memo from CBFWA staff to the MAG provided at the August 21st MAG meeting:

http://www.cbfwa.org/Committees/MAG/meetings/2007_0821/CBFWACoordFundingFY0809Memo.pdf.

ITEM 4: Data Management Project Funding Analysis

http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/DataManagementMemo091307.doc

At the MAG meeting/Amendment Workshop, the data management strategy document was edited removing the specific funding levels but retaining the actual priority of functions with the intent of coming back to the MAG for further discussion of the specific project funding recommendations.

Tom Iverson advised that upon reviewing the data management project funding recommendations with the MAG at the Polson meeting questions were raised in the context of what does funding the data management priorities do to other projects that are seeking funding that didn't receive funding during the FY07-09 process and how much money is available overall.

In Polson, the MAG requested that Tom do an opportunity cost analysis to know what isn't getting funded in FY08-09. Tom was not able to complete the task due to difficulty in accessing the information to provide a complete analysis. Tom requested guidance from the MAG on how to proceed to establish a process to move the funding recommendations forward to the CBFWA Members at the November teleconference and on to the NPCC in November.

The MAG discussed having each member provide Tom a list of critical funding priorities. Tom stated that by October 23rd, BPA will have issued their FY07 spending providing information of FY07 and that should help line up FY08-09. It is hoped that an updated BPA start of year budget will be released by that point as well.

The MAG briefly discussed the placement of the CSMEP funding recommendation with the other data management projects. Brian reiterated that the Members took action at the last meeting to proceed with CSMEP and the intent is to continue to pursue the funding for FY08 based on that action. CBFWA staff will request that the F&W committee schedule CSMEP for a presentation at the October 16-17th

meeting in Missoula, MT with the expectation to go before the full Council in November.

CSMEP funding for FY09 could be included in the complete package with the other data management projects that will be forwarded to the NPCC F&W Committee at their November meeting and on to the full Council staff in December 2007.

Action: The MAG moved to direct CBFWA staff to develop a comprehensive budget picture and provide a device for decisions to contemplate which would fully allocate the FY07-09 budget and bring that back to the MAG for consideration at the October 23rd meeting.

ITEM 5: Scientific Basis for Anadromous Fish Measures

Brian Lipscomb advised that at the September meeting in Polson, the Members tasked the MAG and CBFWA staff to further investigate the value and cost of using the All H Analyzer (AHA) to prioritize measures among the H's.

The cost analysis relates to approximately \$30-50K for the work to be done, which could be absorbed within the current salary savings for the vacant CBFWA position. This fits within the scope of work, would not require any changes in the contract, and if contained within the budget cap there would be no changes at all from BPA.

Tom Iverson added that the other half of this exercise that needs to be considered is member participation and support. This will entail participation in workshops and member involvement at member locations to work through the scenarios. Funding to cover the travel costs for CBFWA staff also needs to be considered.

Dave Ward directed the MAG to a revised memo originally presented in Polson. http://www.cbfwa.org/Committees/MAG/meetings/2007_0926/AHAamendmentProposaltoMAG2007_0926.doc. Page three provides rough outline of the schedule of workshops that could be implemented to develop model inputs and review results.

Action: The MAG directed Brian Lipscomb to enter into discussions with Lars Moberand to obtain contract costs. Pending further development of the budget the MAG moved to recommend that the Members retain Moberand-Jones & Stokes for the services as discussed by the Members and the MAG. No objections.

ADDED ITEM: CBFWA Office Move

Brian Lipscomb advised that CBFWA staff will move into the new office space on the third floor during the month of October.

Update: *Since the MAG meeting, the move schedule has been revised. It appears that CBFWA staff will move sometime during the month of December 2007.*

ITEM 6: Upcoming Meetings

- The October 3, 2007 Members Meeting agenda will include the following agenda items: 1) BPA In Lieu 2) Presentation to NPCC F&W 3) FPCOB Discussion 4) CSMEP Presentation, and 5) Finalize AHA Action.

FYI: *Note:* The previously scheduled October 16, 2007 MAG meeting has been rescheduled to Tuesday, October 23, 2007.

The next Northwest Power and Conservation Council meeting is October 16-18, 2007 in Missoula, MT.

Meeting Adjourned.