



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 31, 2007
TO: CBFWA Members Advisory Group (MAG)
FROM: Mark Bagdovitz, USFWS and Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes from October 23, 2007 MAG Meeting

MAG Teleconference Tuesday, October 23, 2007

@ Columbia Basin Fish and Wildlife Authority (CBFWA), Portland OR

The support material for the meeting is posted at
<http://www.cbfwa.org/committees/Meetings.cfm?CommShort=MAG&meeting=all>.

Final Action Notes

Attendees: Mark Bagdovitz, USFWS; Brad Houslet, CTWS; Michele DeHart, FPC; Paul Kline, IDFG; Brian Lipscomb, Jann Eckman, Tom Iverson, Kathie Titzler, Dave Ward, Neil Ward, Ken MacDonald, Pat Burgess, CBFWA

By Phone: Dale W. Chess, Cd'AT; Laura Gephart, CRITFC; Lynn DuCharme, CSKT; Bill Towey, CTRC; Sue Ireland, KTOI; Brian Marotz, MDFWP; Dave Statler, NPT; Gary Sims, NOAA Fisheries; Tony Nigro, ODFW; Mary Verner, UCUT

Guests: Philip Key, Bob Austin, BPA; Via Phone: Bruce Schmidt, PSMFC; Billy Barquin, Haglund, Kelly, Horngren, Jones & Wilder LLP (represents Kootenai Tribe)

Time Allocation:

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

ITEM 1: Introductions and Approval of Agenda

Mark Bagdovitz, US Fish and Wildlife Service (USFWS), requested brief updates be given on the Science Policy Workshop and the Data Management Summit. Item 14: CBFWA Data Collection Methodology Survey was moved to earlier in the afternoon.

Action: The MAG moved to accept the agenda with the modifications discussed. No objections.

Note: *Items are listed in the order discussed.*

ITEM 2: Approve as Final: Draft Action Notes from the September 26, 2007 MAG Meeting and September 17-18, 2007 MAG Meeting/Amendment Workshop.

Action: The MAG approved the September 26, 2007 MAG Meeting and September 17-18, 2007 MAG Meeting/Amendment Workshop action notes as final. No objections.

ADDED ITEM: Northwest Power and Conservation Council (NPCC) Science Policy Exchange

Brian Lipscomb referenced a document available for review on the NPCC website which provides a summary of the Science Policy Exchange held on September 12-13, 2007 http://www.nwcouncil.org/news/2007_10/7.pdf. The document follows the format of the workshop articulating the assumptions within the Program and how the presentations informed the assumptions.

Brian suggested that the MAG review the document and determine if it warrants a response and/or if CBFWA should pursue a briefing from the facilitator, Rick

Williams, for a future Members meeting.

ADDED ITEM: Data Management Summit – October 2, 2007

<http://www.nwcouncil.org/ned/summit/Oct2-Summit%20Focus.pdf>

Brian Lipscomb stated that the half-day summit was well attended with broad representation from agencies across the Northwest. Brian summarized four assignments generated out of the summit:

- 1) Develop a vision statement for data management. An executive lead was not assigned but a process to get this started is underway.
- 2) Develop a pilot project for salmon population status and trend data to look at the access and management of this data as it informs Oregon Watershed Enhancement Board (OWEB), Washington Department of Fish and Wildlife's Salmon Report, and the Status of the Resource (SOTR) report. Barry Thom, National Oceanic and Atmospheric Administration (NOAA), will work with CBFWA to explore this issue. Some of that work has been done through the Collaborative Systemwide Monitoring and Evaluation Project (CSMEP) and SOTR analyses of that data. As this develops, CBFWA staff will bring it to the MAG and Members for discussion.
- 3) Outline of an approach for assisting water and ecosystem health was assigned to John Stein, NOAA Northwest Fisheries Science Center, with assistance from the Washington State Department of Ecology.
- 4) An exploration of data management and technology approaches. An executive lead was not assigned; however, the Pacific Northwest Aquatic Monitoring Partnership (PNAMP), Pacific Northwest-Regional Geographic Information Council (PN-RGIC), and Northwest Environment Data Network (NED) will give this consideration.

Brian stated that the completion of the assignments will drive the timeline for the next summit. The summary notes, prepared by the summit facilitator, Ross and Associates, have been posted to the CBFWA site for review:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/RossAssociatesOct2_Summit%20Notes-Final.pdf.

ITEM 3: Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Budget Increase Request

Kathie Titzler, CBFWA, presented a 10K FY07 budget increase request for CTUIR. Kathie reminded the MAG that at the beginning of the contract year all funds were allocated to Members; therefore, a reserve account was not maintained. Kathie advised that she recently sent a request to Members and MAG requesting budget reviews and advise if they have funds they are willing to reallocate to CTUIR but she has not received any responses.

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/MembersMonthlyIntegratedFundingMemo101607.doc.

The MAG was unable to take action on the CTUIR request. The MAG suggested that Members review their budgets and communicate to Kathie in writing if they are willing to reallocate funds for the CTUIR.

ITEM 4: FY 08-09 Collaborative Systemwide Monitoring and Evaluation Project (CSMEP) Funding Pursuit Report

Brian Lipscomb advised that he and Ken MacDonald provided a briefing to the NPCC F&W Committee requesting that they reassert the FY08 recommendation to Bonneville Power Administration (BPA) for funding of CSMEP. Ken will provide a follow-up presentation to the NPCC F&W Committee at their November meeting in response to their request for additional information. The Independent Scientific Advisory Board (ISAB) is to review the project by the end of the year and their subsequent report is anticipated in early 2008.

There appears to an ongoing belief that CSMEP is redundant to PNAMP. MAG

members stressed how vital it is for the states and tribes to reinforce the importance of this effort to their Council members. Tony Nigro, Oregon Department of Fish and Wildlife (ODFW), advised that at the NPCC October meeting, Bill Maslen, BPA, expressed interest in meeting with CBFWA members who have history with CSMEP to discuss the future of the project.

Action: The MAG moved to direct Brian Lipscomb and Ken MacDonald to arrange a meeting with Bill Maslen, BPA, and interested CBFWA Members familiar with the CSMEP project, to discuss the current stance and determine a reasonable path forward.

Motion Discussion: Dave Statler, Nez Perce Tribe (NPT), suggested that PNAMP be invited to participate in the discussion.

Action Amended: The motion was amended to invite Jen Bayer of PNAMP's participation. No objections.

Ken MacDonald will send an email out to the MAG to solicit interest in participating in this meeting with Bill Maslen, BPA.

ITEM 5: CBFWA/Fish Passage Center Oversight Board (FPCOB) Working Relationship

Brian Lipscomb stated that the FPCOB is clarifying their role with regard to reviewing the Fish Passage Center (FPC) performance relative to how it is managed administratively and possibly from a technical aspect as well. If the technical aspect is pursued, the Technical Advisory Committee (TAC) could help provide the expertise to conduct the reviews and clarify the role the TAC would play. This would put CBFWA in a better position to respond with regard to recommended appointees to the TAC. The TAC would serve as the primary nexus between CBFWA and the FPCOB. It is hoped that the next FPCOB meeting will provide some conclusion on these points. Brian stated that for the time being, the issue of evaluating the FPC Manager's performance has been taken off the table.

Michele DeHart, FPC, stated concern about receiving verbal assignments from the FPCOB, adding that she has not received anything in writing from the Board. Michele's understanding of the assignments is that they are with regard to 1) developing a response to a letter sent to Bruce Measure from the Northwest River Partners about Oregon Department of Environmental Quality (DEQ), 2) a request from John Ferguson that a presentation be provided on the Smolt Monitoring Program at the January 2008 meeting, and 3) providing a FPC quarterly report.

Brian Lipscomb added that a review of the Smolt Monitoring Program is not an oversight of the FPC function and that any conversations regarding a function of M&E coordination would better take place under CSMEP. Consequently, the MAG stated confusion with regard to the Board's requests.

Action: The MAG moved to ask Brian Lipscomb to draft a letter to the FPCOB Chair, with Michele DeHart's assistance, asking for clarification or confirming the requests to Michele and CBFWA relative to: 1) providing a FPC quarterly report, 2) the FPC role in Smolt Monitoring Program, 3) CSMEP's intent in the Smolt Monitoring Program, and 4) the request to respond to the letter from RiverPartners.

Motion Discussion: Dave Statler, NPT, stated discomfort with correspondence to the FPCOB as captured in the motion and articulated a preference toward a process whereby the Board would state their requests in writing first and then CBFWA would provide a response in turn.

Action Amended: The motion was amended to add to the FPCOB correspondence that future assignment requests be transmitted in writing and routed through Brian Lipscomb as an agent of the FPC. It was agreed that this communication could be

appropriately handled via email, copying all the Board Members. The intent of the motion was reiterated to state that: 1) this is the request we heard (during the FPCOB meeting), 2) this is our intent with respect to responding, and 3) we request that future assignments/requests be made in writing from the Board to alleviate misunderstandings and delays in response. No objections.

ITEM 6: Bonneville Power Administration (BPA) briefing on their Supplemental Rate Case pursuant to the Golden NW Aluminum vs. BPA Ninth Circuit Ruling

Tim Johnson, BPA, was originally scheduled to brief the MAG; however, he was not available. Philip Key, Office of General Council, BPA, and Robert Austin, Deputy Manager, F&W, BPA, provided the briefing.

Philip began by stating that as a result of the two opinions handed down by the Ninth Circuit Court of Appeals in May 2007, relative to the PGE and the Golden Northwest cases concerning the lawfulness of BPA's 2000 Residential Exchange Program, BPA has decided to deal with the two cases together. The first step BPA has taken is to withdraw the FY07-09 rate proposal that was submitted to the Federal Energy Regulatory Commission (FERC) for approval. All parties, including the Yakama Nation, have agreed to put the FERC review on hold until BPA gets through this process. The second step BPA has taken is to begin a "reopening process." Philip provided a handout highlighting BPA's actions and timeline regarding the reopening of the WP-07 Rate Case:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/BPAHandout_ReopeningWP07RateCase.pdf.

Philip stated that workshops have already begun. The federal register notice, which is the step BPA takes to officially begin this administrative process, will probably be issued December 7th which will be the date that the supplemental rates case technically begins.

Brian Lipscomb stated that this presents an opportunity for F&W managers to provide BPA with a recommended budget (with supporting evidence) and asked Philip when it would be most effective to consider engaging in the conversation with regard to F&W budget collective.

Philip advised that the present time is a good time to begin the conversation. The discussions do not have to be complete by December 7th; however, at that time *ex parte* begins. Philip added that this could be a topic of discussion with F&W agencies and tribes, Greg Delwiche, and others, to ask the question of what would be the appropriate process and then present that to BPA. Phil also added that this is a difficult area because on one hand the Court said BPA didn't look at all the information, therefore the rates could not have been based on substantial evidence; on the other hand, they acknowledged that the rate case is not the forum to decide what alternative F&W program to implement or what the budget should be. In the past, BPA has tried to separate out the budget and cost estimation exercise through a Power Function Review process separate from the actual rate making process.

Phil stated that BPA does not expect the F&W agencies and tribes to have a lot of new information or changed circumstances that will affect the rates for the next year and a half in this rate period but BPA is willing to listen and will take the information received seriously and will provide a response.

Dave Statler asked if anything submitted through the last rate case that was not considered would automatically be considered at this time or would it have to be new submittals of evidence? Philip responded that it would be best to come forward with the information to make sure that BPA reconsiders it.

Brian Lipscomb concluded the conversation stating that the MAG could consider a recommendation to the Members to initiate conversations with Philip and Greg Delwiche, to determine how to communicate to BPA within a time frame to

accommodate inclusion in the supplemental rate case.

ITEM 7: Program Implementation Process Timeline Update

Brian Lipscomb recalled that in Polson the Members began contemplating how to interact with BPA and the NPCC regarding the implementation process leading up to the 2010 rate case and the decisions to implement an amendment program. In follow-up to that discussion, CBFWA staff has met with NPCC Central staff and BPA staff to discuss how processes should be contemplated from a point of developing costs for 2010 rate case and implementation of a revised program.

BPA and NPCC are in agreement that we should not repeat what happened in the FY 07-09 solicitation process. From that stance, an agreement was reached between the NPCC and BPA to establish a subcommittee to begin to look at the details of how a review and solicitation process could unfold over the next 18 months to accommodate a different approach. Posted on the NPCC website is a briefing provided by NPCC staff to the F&W committee:

(http://www.nwcouncil.org/news/2007_10/fw5.pdf).

Tom was assigned to work with the subcommittee consisting of Patty O'Toole and Mark Fritsch, NPCC, Kyna Powers and Andre L'Heureux, BPA, to flesh out a process. From that a revised and updated Gantt chart will be developed. Posted on the CBFWA website for review is the draft Gantt chart reflecting the CBFWA Members Polson discussion:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/ProcessTimelinesAmenProjSelRate1003.pdf

ITEM 8: FY 07-09 Outstanding Budget Allocations

At the September 23rd MAG meeting, within a discussion on data management project funding, the MAG directed CBFWA staff to analyze the available funding for FY 08-09 to determine funding recommendations for data management projects within the context of other critical program needs. The MAG determined that if the Members' critical projects needs are greater than contemplated, the MAG would consider recommending to the Members that CBFWA initiate a conversation with BPA to include the additional critical needs in the supplemental rate case.

Tom Iverson sent an email request to CBFWA Members, soliciting input on their outstanding critical project funding needs for work proposed during the FY 07-09 BPA funding cycle. To date, Tom advised that he has not received adequate feedback from Members to complete this task.

Tom Iverson reviewed information provided in a memo detailing the status of the current process:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/CBFWAstafftoMAG_FY0809BudgetMemo2007_1022.pdf.

Action: The MAG moved to direct Tom Iverson to continue working toward finalizing a list of critical needs and report back to the MAG at the November 20th meeting and encouraged the Members to provide the information to Tom so he can complete this task.

Action Amended: The motion was amended to include as a recommendation to the Members at the November 7th teleconference an analysis of what the outstanding needs are for Members to discuss and determine direction.

Motion Discussion: Tony Nigro clarified what should be forwarded to the Members is an analysis of what the outstanding needs are with the expectation that the Members discuss how to move forward and contemplate making a recommendation to BPA, and include this information in the recommendation, as well as how the Members want to share this information with the NPCC to advocate for the projects.

The data management projects considered critical by Members could be included as line items providing Members with a with/without scenario for decision.

Action Amended: The motion was amended to establish a November 2nd deadline for Members to submit their critical needs to Tom Iverson for inclusion in this process. Members should provide information or at least advise they are not participating. No objections.

ITEM 14: CBFWA Data Collection Methodology Survey

Brian Lipscomb began the discussion stating that Stewart Toschach, National Marine Fisheries Service (NMFS), approached Columbia Basin Fish and Wildlife Foundation (CBFWF) several months ago advising that they had an opportunity to apply for grant funding from NOAA to do survey work which would inform both CSMEP and NOAA. This survey will be similar to the PNAMP and CSMEP surveys already completed across the basin. The grant for 85K was approved and will be run through the CBFWF administratively with Ken MacDonald serving as the contract officer. Stewart is the NMFS liaison responsible for coordinating the survey and data management components of the effort.

Stewart reviewed the background and basis for the *Survey of Data Collection Methodology (Metadata) for Salmonid Status and Trend Data*. Stewart provided the following document for review:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/Salmon_Data_Tracking_CBFWA_Final.pdf.

Action: The MAG directed that Stewart move forward with the survey and directed that he work with the CSMEP steering committee to flesh out intended populations to avoid duplicating PNAMP and CSMEP efforts.

ITEM 9: Coordination Definition and CBFWA Work Plan

Item 9a: Coordination Definitions Document (Kalispel Edits)

The Kalispel Tribe of Indians submitted a letter to Tom Karier, NPCC, dated October 12, 2007, regarding the edited Coordination Definitions document:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/LtrFromKalispelTribeToNPCCCoordDefDoc2007_1012.pdf.

The MAG reviewed the Coordination document edited by the Kalispels after CBFWA Members edits and endorsement:

[http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/DraftCoordinationDefinitions091907MembersApproved\(Kalispel_edits\).doc](http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/DraftCoordinationDefinitions091907MembersApproved(Kalispel_edits).doc). The MAG agreed that the Kalispel edits improved the document making it more concise.

Action: The MAG moved to accept the revisions to the Coordination Definitions document as prepared by Kalispel Tribe of Indians. Tom Iverson will send out the document to the coordination project sponsors for a final review prior to CBFWA Members review and endorsement at the November 7th Members teleconference.

Item 9b: Colville Confederated Tribes/Regional Coordination Resources

William Towey of the Colville Confederated Tribes (CTCR) submitted a letter to Brian Lipscomb dated October 11, 2007 requesting consideration toward establishing regional coordination resources:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/RegionalCoordinationCBFWAworkPlanLtrFromColvilleTribe_UCUT_101107.pdf.

Action: The MAG tasked CBFWA staff to work with the Members to design and complete a feasibility study to include alternative logistics and to specifically describe what services would be provided in contrast to services currently being provided to Members.

Action Amended: The motion was amendment to include the timeline for a draft outline for review by the MAG at the November 20th meeting.

Motion Discussion: Brian Lipscomb advised that CBFWA staff will draft an outline and forward it to the MAG for review. Brian requested clarification on the MAG's preference in completing this task and asked if the MAG is comfortable with an electronic process or if a special meeting should be called before November 20th.

Action Amended: Tony Nigro modified and clarified the motion stating that CBFWA staff should work with select members who have an interest in the details of this issue between now and November 20th leaving the process of how this is accomplished to staff's discretion.

MAG members volunteering to work with CBFWA staff include: Bill Towey, CTCR, Mark Bagdovitz, USFWS, Brian Marotz, MDFWP, Lynn DuCharme, CSKT, and Dale Chess, Cd'AT. Tim Dykstra, SPT, would be asked to participate as well. Tom Iverson will be the contact person.

Motion Discussion: Dave Statler suggested that pros/cons of such a proposal be addressed as well. Tony Nigro clarified his intent of the motion was not to do a pro/cons analysis but to create a document that states the need being addressed, the services that would be provided by dedicated staff, comparing the services to what is presently being provided, and providing options to meet the need. Each individual member could then take that information and build their argument for or against the proposal.

The motion passed without further discussion. No objections.

Item 9c: Upper Columbia United Tribes (UCUT) Letter/Distributed Model

Mary Verner, UCUT, submitted a letter to Tom Karier, NPCC, dated October 12, 2007 requesting consideration of an alternative regional coordination approach for 2008 and 2009:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/RegionalCoordinationLtrsFromUCUT_KalispelTribeToNPCC101707.pdf

After considerable discussion, the MAG reached the conclusion that further communication needs to take place to clarify the UCUT's intent. It is possible that CBFWA has already applied a distributed funding model in developing the FY08-09 work plan.

Action: The MAG tasked Brian Lipscomb to work with members of CBFWA who are also members of UCUT to clarify what CBFWA should consider relative to the UCUT's communication to the NPCC. The questions for consideration:

- Is the current structure and funding mechanism consistent with what the UCUT's are contemplating? If yes, any recommendation CBFWA would make advocating funding of CBFWA as currently structured would then be consistent with the UCUT position.
- If the answer is no, if the current funding structure is inconsistent with this distributed model, then we would have to determine how it is inconsistent and what should be done about that inconsistency.

No objections.

ITEM 10: 2006 Status of the Resource (SOTR) Report Update

Neil Ward and Ken MacDonald reviewed the template for the SOTR Report using the Lower Columbia province and the Willamette as an example:

http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/2006statuslowercolumbia2pagenewest8.5x12inch.pdf

Significant points reviewed on the four page template example include:

- Hatchery information has been added (pg 1).
- Wildlife information has been added to include, on a province level,

hydroelectric facility with number of habitat units lost assigned to that facility, and to date the number of credited habitat units. Also included will be any outstanding crediting issues (pg 2).

- PISCES data will be incorporated into the section “BPA-Funded Fish and Wildlife Projects” (pg 3).
- The limiting factor table is the same table as used last year but it will be updated in future years with the product resulting out of the amendment process (pg 3).
- The Wildlife Priority Focal Habitat section will make a link between the wildlife program and the subbasin plan, building off the amendment process (pg 3).
- BPA-Funded Wildlife Projects in the Willamette Subbasin will be added (pg 4).

On page 2 of the example, in the section “Wildlife Losses Hydroelectric Facilities in the Lower Columbia/Estuary Province” it was noted for clarification that the form of measure, i.e., “units,” should be added to the “Habitat Lost” and “Credited, protected, enhanced, and estimated” categories.

Neil advised that they are awaiting funding values data from NOAA to update the graphs and maps. The website is due to go live in November 2007 with the final report available in December 2007.

ITEM 11: Program Amendment Development Update

This item was deferred due to time constraints. The MAG was directed to review the posted memo and information from CBFWA staff:
http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/ProgramAmendmentRecMemo_Outline_101907.doc.

ITEM 12: Lamprey Technical Workgroup (LTWG) Update

This item was deferred due to time constraints. The MAG was directed to review the posted draft action notes from the LTWG’s subgroup meeting of September 24, 2007: http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/ActionNotes-LTWGpassageSubgroup092407-Revised.pdf.

ITEM 13: Pacific Northwest Aquatic Monitoring Partnership (PNAMP) Macroinvertebrate Protocol

Ken MacDonald advised that PNAMP is recommending a standard method for macroinvertebrate sampling to determine index of biological integrity.

Macroinvertebrate Protocol Briefing Document:
http://www.cbfwa.org/Committees/MAG/meetings/2007_1023/2007_0801MacroinvertBrief.doc.

Action: It was determined that CBFWA would not take a position on this protocol but instead Members can individually weigh in on their views to PNAMP, as desired.

FYI: Upcoming Meetings

- The next MAG meeting is scheduled for Tuesday, November 20, 2007.
- The next Members Teleconference is scheduled for Wednesday, November 7, 2007.
- The next NPCC meeting is scheduled for November 13-14, 2007 in Coeur d’Alene, ID.

Meeting Adjourned.