



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 Fish, Wildlife & 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

Final

DATE: September 18, 2008
TO: Members Advisory Group (MAG)
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the September 12, 2008 MAG Meeting

Members Advisory Group Meeting
Friday, September 12, 2008
10:00 a.m. – 4:00 p.m. PDT
Spokane, WA

Support material is posted at http://www.cbfga.org/committee_mag.cfm

Final Action Notes

Attendees: Brian Marotz, MFWP; Lawrence Schwabe, BPT; Ronald Peters, Cd'AT; Brad Houslet, CTWS; Dave Statler, NPT; Dave B. Johnson, Angela Sondena, NPT; Mark Bagdovitz, USFWS; Bill Tweit, WDFW

CBFWA staff: Brian Lipscomb, Jann Eckman, Tom Iverson, Neil Ward, Dave Ward, Ken MacDonald, and Trina Gerlack, CBFWA

Phone: Sue Ireland, KTOI; Bruce Crawford and Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Doug Taki, SBT; Carol Perugini, SPT; Kyle R. Prior, USRT; and Jessica Kuchan, Mentor Law Group, PLLC

Time Allocation:

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

ITEM 1: Introductions and Approve Agenda

Action: The Members approved the agenda with an addition of the NOAA Fisheries update to be provided by Bruce Crawford regarding a proposal to CBFWA on an adoption of a data dictionary. No objections.

ITEM 2: MAG August 19, 2008 Draft Action Notes

Action: The MAG approved the August 19, 2008 MAG Teleconference draft action notes as final. No objections.

ITEM 3: Endangered Species Act (ESA) Update

Brian Lipscomb updated the MAG on the Members September 11, 2008 decision to approve and send the CBFWA comment letter to Department of Interior (DOI) regarding their proposal to amend regulations governing interagency cooperation under the ESA. Brian is in the process of contacting Members who were not in attendance for their decision before the letter is sent on September 15, 2008. The NOAA Fisheries, USFWS, and IDFG abstain.

Brian stated that he heard the DOI extended the comment period to October 14, 2008. If this is true, the MAG may revisit and revise the CBFWA letter to add clarification and detail to the comments.

Additional Agenda Item:

NOAA Fisheries Data Dictionary Update

Brian Lipscomb stated the NOAA Fisheries are in the process of developing a data dictionary to define how to speak to anadromous fish from a monitoring and evaluation perspective and how to organize that conversation. It represents a shift from stock management to population management.

Bruce Crawford stated that the NOAA Fisheries are in the process of developing the following documents to assist in their review of the evolutionarily significant unit (ESU); 1) a data dictionary or collection of uniformed information/data, 2) additional RME guidance document that builds on other documents to identify what is being recommended and the approach on monitoring issues, and 3) regional strategy on how to fill the gaps and identify priorities to assist in getting proper funding for data collection by population. The data dictionary is number one in the sequence.

Bruce has requested CBFWA's participation in collecting and providing the correct data for the data dictionary. The first draft should be ready for review by September 30, in time for the Northwest Executive Information Summit on October 9, 2008.

The MAG asked, what is the relationship between this effort and CSMEP?

Brian referenced the September 5, 2008 conversations with NOAA Fisheries, BPA, NPCC, and CBFWA staff, regarding a resolution to the mainstem monitoring pieces, including monitoring coordination. In the current FY09 draft start of year budget the monitoring coordination is completely undefined. All the elements for CSMEP are listed, but who is going to do them is undefined. The conversations were about how we get resolution to define who is going to do what regarding monitoring coordination. The group shared an understanding, that to reach a resolution on the status and trend monitoring the agencies and Tribes need to be included. A follow up meeting is anticipated to discuss how to build that participation process with the agencies and Tribes in monitoring coordination and design of the monitoring, which needs to be done pursuant to the 2008 BiOp and draft Program.

Bruce stated that NOAA Fisheries emphasized to BPA and NPCC that a number of CSMEP products have elements similar to their efforts..

Brian recommended that the MAG have an extensive presentation, review, and conversation at the October 21, 2008 meeting with an expectation that the MAG would make a recommendation to the Members in November to adopt the data dictionary to inform and align with the HLI organization and SOTR.

ITEM 4:

Proposed Change to CBFWA Work Week

Brian Lipscomb stated that on October 1, 2008 the CBFWA staff is moving to a 4 day/10 hour per day work schedule to help reduce the carbon footprint given the current economic climate. The CBFWA office will be open

Monday through Thursday and closed on Friday. If there are situations that require attention, adjustments will be made to the staff's schedule. On September 3 the Members agreed with the schedule change with the caveat that it will be evaluated at the winter Members meeting.

ITEM 5: Update on Strategy and Meetings between CBFWA Agencies and Tribes, Bonneville Power Administration (BPA), and Northwest Power and Conservation Council (Council)

Brian Lipscomb confirmed the meeting date and time for the policy level September 26, 2008 Consultation Meeting with BPA, NPCC, and CBFWA. Brian is presently accepting and receiving confirmations from attendees who will be participating at the meeting. At this time the 9/26/08 Consultation Meeting is scheduled at the CBFWA office from 1:00-3:00 p.m. The CBFWA staff will prepare and distribute the talking points, draft agenda, draft 10-year work plan, and draft implementation budgets to the MAG next week for their review and comments via email to prepare the Members for the September 26, 2008 meeting.

ITEM 6: Strategy for Developing Comments on the Draft Fish and Wildlife Program Amendment and Development of Talking Points

The CBFWA staff provided an analysis of the draft Fish and Wildlife Program released by the Council and provided copies of the Fish and Wildlife section of the Northwest Power Act and of the *NRIC v NPPC* court ruling (Tang decision) to set the context for the agencies' and Tribes' comments on the Council's draft 2008 Program.

Brian Lipscomb lead the discussion and review of the Northwest Power Act and Tang decision, and referenced the February 18, 2008 Authority White Paper developed by Joe Mentor. Tom Iverson gave an overview of the memo and analysis comparing the Agencies' and Tribes' amendment recommendations with the Council's draft 2008 Fish and Wildlife Program.

The MAG referenced pages 103-106 of the Council's draft Fish and Wildlife Program. After a long open discussion, the MAG expressed their concerns and developed the alternative strategies below for responding to the Council on the draft Fish and Wildlife Program.

Alternative 1 - Provide comment on draft Program in the form of a letter and redline mark-up of draft.

Letter expressing concerns with draft Program:

- Agencies and Tribes interpretation of the Act
- Program should be built from measures with explicit objectives
- Need for transparency and accountability
- Current draft is too vague to implement or evaluate
- If all measures submitted to Council are included in the Program then the current funding proposed by BPA is not nearly enough

Redline mark-up of draft Program with context and justification for recommended modifications:

- Be specific how to repair the draft Program consistent with original recommendations (see staff comparison table)
- Provide context and justification for changes
- Include all measures from agencies and Tribes comprehensive work plans

Alternative 2 – Work with BPA and Council to define roles and responsibilities in developing and implementing the Fish and Wildlife Program.

- Accept that all measures are in the Program
- How do the agencies and tribes, Council, and BPA develop work plans, budgets, reporting, science review, etc...?
- Work with BPA and Council to develop these processes
- Promote construction of 10 year work plans

Alternative 3 – Develop a legal and political strategy to pressure Council into accepting agencies and Tribes recommendations.

- Ask attorneys how to construct a legal response to the draft Program
- Apply political pressure
 - Tribes approach governors, congress, public, constituent groups
 - States approach Council members, governors, public, constituent groups

The CBFWA staff will meet to develop draft talking points for MAG's review and comment to be distributed next week.

Upcoming Meetings: **October MAG Meeting (WebEx):** October 21, 2008 9:00am-12:00pm

October Members Teleconference: October 1, 2008 1:00-4:00pm

September Policy Level Consultation Meeting: September 26, 2008 1:00-3:00pm

September Northwest Power and Conservation Council Meeting: September 16-18, 2008 in Astoria, OR

NPCC Hearing Schedule:

Northwest Power and Conservation Council links: [2008-2009 Program Amendments](#) and [NPCC Public Hearing Schedule](#) as of 9/5/08.

- Tuesday, September 16, 5-7pm
Holiday Inn Express, 204 W Marine Dr, **Astoria**, Oregon ([map](#))
- Monday, September 22, 5:30-6:30pm
Red Lion River Inn, 700 N Division, **Spokane**, Washington ([map](#))
- Tuesday, September 23, 5-7pm
Red Lion, 624 21st St, **Lewiston**, Idaho ([map](#))
Port 2 Room, hotel contact is Ginger Riley, 208-799-1000

- Wednesday, September 24, 5-7pm
Joe R. Williams Bldg, 700 W State St, **Boise**, Idaho ([map](#))
State contact is Janie, 208-332-1900
- Wednesday, September 24, 5-7pm
Red Lion, 304 SE Nye Ave, **Pendleton**, Oregon ([map](#))
- Thursday, September 25, 5-7pm
Red Lion, 600 E Yakima, Ave, **Yakima**, Washington ([map](#))
- Tuesday, September 30, 5-7pm
St. Martin's University, 5300 Pacific Ave SE, **Lacey**, Washington ([map](#))
- Tuesday, October 14, 10am
Kwa Taq Nuk, 49708 US Hwy 93 East, **Polson**, Montana ([map](#))
Michel Victor Room
- Tuesday, October 14, 4:30pm
Red Lion, 20 N Main St, **Kalispell**, Montana ([map](#))
- Wednesday, October 15, 5pm
Holiday Inn Parkside, 200 S Pattee St, **Missoula**, Montana ([map](#))
- Tuesday, October 21, 5-7pm
Council Central Office, 851 SW Sixth Avenue, **Portland**, Oregon ([map](#))