



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: October 30, 2008
TO: Members
FROM: Brian Lipscomb, CBFWA
SUBJECT: Final Action Notes for the October 27, 2008 Members Teleconference

Members Teleconference Monday, October 27, 2008

1:00 p.m. – 3:00 p.m.

CBFWA Office, Portland OR (via WebEx)

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

Final Action Notes

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

Phone/WebEx: Chairman Larry Peterman, MFWP; Elmer Ward, CTWS; Jim Unsworth, IDFG; Elizabeth Gaar, NOAA Fisheries; Tom Rien, ODFW; Carol Perugini, SPT; Mark Bagdovitz, USFWS; Kyle R. Prior, USRT; Nate Pamplin, WDFW

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 draft agenda as written. No objections.

Note: *Due to the lack of a quorum, Brian Lipscomb will contact all Members not in attendance to discuss and confirm approval on the actions taken within the meeting.*

ITEM 2: October 15, 2008 Members Draft Action Notes

Action: The Members approved the October 15, 2008 Members Teleconference action notes as final. No objections.

ITEM 3: CBFWA Amendment Recommendations and Comments

At the October 21st Members Advisory Group (MAG) meeting, the MAG reviewed the draft amendment comment letter for content and format. With regard to the content, the MAG members provided comments to Tom Iverson by COB Thursday, October 23rd. With regard to the format, the MAG recommended a short introduction letter to the Northwest Power and Conservation Council (Council) regarding CBFWA's comments on the draft amendments to the Program describing the anadromous fish, resident fish, and

basinwide tables of measures, and including the details as attachment. CBFWA staff will incorporate all comments and prepare a final draft for review at the November MAG Meeting.

Discussion:

Brian Lipscomb provided an overview of the preliminary draft letter and outlined the MAG's recommended approach that Members approve the development of a consensus comment package on the draft amended Program for submittal to the Council by December 1, 2008. The package includes a two page introduction letter, one attachment addressing specific changes to the measures, and appendices for anadromous fish, resident fish, and basinwide tables of measures and their sources.

CBFWA staff suggested that the Members approve the format and content of the draft letter and send it back to the MAG for further review and edits. The MAG will prepare the package for Members review on November 17th and ask the Members begin their internal policy review. The goals are to have a consensus comment letter by the end of November.

Staff requested that the Members work the preliminary draft packet through their agencies as staff works with MAG to provide a final draft. The goal is to share all edits with everyone and create a final draft that is consistent with the comments that the Members submit individually.

Mark Bagdovitz, USFWS, requested that the draft be written to be more inclusive of all agencies and Tribes responsibilities.

Nate Pamplin, WDFW, suggested that the introduction letter be signed by all CBFWA Members and use the signature of the CBFWA chair as back-up if needed. Mark supported the suggestion, if all Members are committed to signing the individual signature page.

The Members discussed the format and which sources for the measures should or should not be included in the tables.

Staff developed the table of measures from the Members July 2008 Comprehensive Work Plans that identified their priority work to begin negotiations and discussions with BPA and Council on long-term work plans.

Some of the measures were not included in the CBFWA recommendations but if a Member felt the project is important it was included in the table. For example, the WDFW submitted a list of actions into the BPA rate case but they did not submit that list of actions to the Council for inclusion in the draft amended Program because it was WDFW's understanding that was not what the Council was looking for. At this point, if CBFWA is going to identify all specific measures to be included in the draft amended Program, WDFW has to reconsider their position and may want to submit those measures to be implemented into the draft amended Program.

Staff emphasized that each Member should review these tables, understand them, and be sure they can support what is in the tables of measures.

CBFWA submitted only general measures. Specific measures were submitted individually by agencies and Tribes. The appendix is designed to capture all the measures that each individual Member would like to see in the draft amended Program in one table. The goal is to achieve consensus on one table, or at least have each individual Member submit the tables that represent what they expect to be in the draft amended Program.

The CBFWA table is not designed to override the Council language. Staff

should add language that suggests the CBFWA table is not meant to be inclusive. Be specific on what the CBFWA tables are or are not.

It is important for the Members to review the lists of measures and decide to support the whole list or only parts of the list. This is an opportunity for the Members who participated in developing MOAs and action plans to insure the consistency to communicate with other recovery entities about the package of measures.

Staff requested that all Members review the [Anadromous fish](#), [Resident Fish](#) and [Basinwide](#) tables of measure and confirm the following:

1. Are all your actions/measures/projects included?
2. What is missing? Fill in the blanks.
3. If your project covers 6 or 8 general measures are they all correctly listed in the table?

- Action:** The Members approved pursuing individual signatures to endorse the letter and submitting the letter with an executive signature of each CBFWA Member. No objections.
- Action:** The Members approved the concept of the draft letter, attachment, and appendices for MAG to prepare the packet for final approval, but the Members requested that the staff scrub the October 27th preliminary drafts first and send the packet out by COB Tuesday, October 28th to the Members and MAG for review with comments due on Monday, November 3rd. The revised draft will be ready for Members to consider at the policy level for approval and adoption at their next Members teleconference. No objections.
- Action:** The Members moved to reschedule their teleconference and hold it on November 17, 2008 at 1:00 p.m. This will allow a week for the final signatures to be collected prior to the holiday. The final CBFWA comment package will be submitted to the Council by December 1, 2008. No objections.
- Action:** The Members directed Brian Lipscomb to reschedule and adjust the MAG meeting accordingly. The MAG will review the final draft letter prior to the November 17th Members Teleconference when Members will adopt letter and which allows a week for final signatures to be collected. No objections.
- ITEM 4: **Proposed Follow-up from Consultation Meeting between CBFWA agencies and Tribes, Bonneville Power Administration (BPA), and Northwest Power and Conservation Council (Council)****
- On October 21st, the MAG discussed the value of scheduling a follow-up consultation meeting. The MAG suggested the following agenda items: long term work plans, measures, programmatic issues, and implementation.
- Discussion:** Brian Lipscomb referenced the September 26th consultation meeting and stated that some of the suggested resolutions for inclusion of the CBFWA recommendations in the final Program have come out of those follow-up conversations with central staff. However, not all the Council Members are aware of the recommended solutions. The Council's central staff did meet with the MAG in good faith and try to work through the concerns. A follow-up consultation meeting at a policy level with the Council, BPA, and Members would be important and could provide an opportunity for the agencies and Tribes, individually and/or collectively, to negotiate the rate of implementation to be included in long-term work plans over the next 10-years. To get to that

point, more consultation meetings are needed.

Brian suggested that the Members request that Council consider additional consultation meetings after the CBFWA comments are submitted on December 1st but before December 18th when the Council goes into *ex parte* and closes the record before CBFWA's opportunity to effectuate any more change in the draft amended Program through consultation will be passed.

The purpose of the discussion would be to indicate to the Council that CBFWA agree with what is in the draft Program relating to the items above, have Council agree with the additional details in the CBFWA comments, and offer to develop and assist with implementation of long-term work plans.

Kyle Prior stated that the Upper Snake Tribes have been contacted by the Idaho Council staff to coordinate consultation sessions with the individual Member Tribes to be completed before the end of November. The meeting dates are either November 12th or November 26th. This could be an opportunity for the Tribes to carry a message.

Nate Pamplin suggested that CBFWA request time on the November Council meeting agenda to provide a presentation summarizing the comments and outlined the benefits of the presentation to the Council Members. He suggested postponing the consultation meeting until the Council releases the final Program. If the Council adopts CBFWA's recommendations for long-term work plans and subbasin summaries then we could schedule a consultation meeting with Council on how those will be carried out.

Mark Bagdovitz clarified that CBFWA would ask the Council for time on the November agenda to make a presentation on the CBFWA recommendations. Brian stated that giving the presentation would not be a public testimony but a form of consultation with the Council at the meeting. The Members decided to include the December Council Meeting as an alternate date to provide the CBFWA presentation to the Council Members.

Members expressed concern on the short timeline to review the presentation. The staff stated the presentation would be ready for review by next week.

Action: The Members directed staff to work with MAG to develop a presentation based on the CBFWA comments to the draft Program for Members approval on November 17, 2008. No objections.

Action: The Members directed Brian Lipscomb to consult the Council and request time on their November 18-19th or December 9-10th agenda for Chairman Peterman to provide the presentation to the Council Members. No objections.

ITEM 5: Winter Members' Meeting

According to the rotation sequence, the Winter Members Meeting is to be scheduled in Idaho. On October 21, 2008, the MAG selected January 21 & 22, 2009 for the meeting dates to be held in Boise or Coeur d'Alene, Idaho with the caveat that it must be easy access for traveling.

Action: The Members approved the January 21 & 22, 2009 date for the Winter Members Meeting to be held in Boise or Coeur d'Alene, Idaho. No objections.

Upcoming Meetings:

Members November 5th Teleconference: Cancelled

Members November Teleconference (via WebEx): Tues, Nov 17th (1-4pm)

MAG November (via WebEx): MAG Nov 18 meeting rescheduled. Tentative

dates pending: Nov 13th or 14th.

Members December Teleconference: Wed, Dec 3rd (1-4pm)

Council November Meeting, Coeur d'Alene, ID, Nov 18-20th

Council December Meeting, Portland OR, Dec 9-11th

**Council
Schedule:**

Northwest Power and Conservation Council links: [2008-2009 Program Amendments](#) - Deadline for Comments: December 1, 2008

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