



# COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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**Final**

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

Confederated Salish and Kootenai Tribes of the Flathead Reservation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Fort McDermitt Paiute-Shoshone Tribe of Nevada and Oregon

Idaho Department of Fish and Game

Kootenai Tribe of Idaho

Montana Fish, Wildlife & Parks

National Marine Fisheries Service

Nez Perce Tribe

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

## Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Compact of the Upper Snake River Tribes

Upper Columbia United Tribes

DATE: September 1, 2011  
TO: Members of Columbia Basin Fish & Wildlife Authority  
FROM: Jann Eckman, CBFWA  
SUBJECT: Final Action Notes for August 24, 2011 Members Meeting in Coeur d' Alene, Idaho

## Columbia Basin Fish & Wildlife Authority Members Meeting

Wednesday, August 24, 2011

9:00 a.m. - 3:00 p.m. (PST)

@

[Best Western Plus, Coeur d' Alene Inn](#)

506 W Appleway, Coeur d' Alene, ID 83814

1-800-251-7829

[Members Webpage](#)

## Final Action Notes

**Attendees:** Chairman Nathan Small, SBT; Vice Chair Jim Unsworth, IDFG; Council Member Dewayne Hoodie, Council Member Garret Sam, Jason Kesling, Sara Hawley, Adina Thomas, Keith Kennedy, and Deshean Richards, BPT; Christine Golightly and John Platt, CRITFC; Ron Trahan and Lynn DuCharme, CSKT; Gary James, CTUIR; Olney "JP" Patt Jr., Elmer Ward, and Brad Houslet, CTWS; Scott Soult, KTOI; Dave Statler, NPT; Doug Taki, SBT; Edmond Murrell, SPT; Mark Bagdovitz and Mike Faler, USFWS  
CBFWA Staff: Jann Eckman, Tom Iverson, Neil Ward, Dave Ward, and Trina Gerlack

**WebEx - Phone:** Deputy Director Art Noonan, MFWP; Lynn Stratton, IDFG; Christina Wang Luzier, USFWS; and Laura Gephart, CRITFC

**Members Not Present:** Fort McDermitt Paiute Shoshone Tribe of Nevada and Oregon, Confederated Tribes and Bands of the Yakama Nation, and NOAA Fisheries

**Time Allocation:**

Objective 1. Committee Participation	50%
Objective 2. Technical Review	%
Objective 3. Presentation	50%

## Welcome and Opening Remarks – Chairman Nathan Small

## Invocation – Ron Trahan, CSKT

## ITEM 1: Introductions and Approve Agenda

**Action:** A quorum was confirmed and the Members approved the agenda as written. No objections.

## ITEM 2: Draft Action Notes from the March 10, 2011 Members Face-to-Face Meeting

**Action:** The Members approved the [March 10, 2011 Members Meeting Action Notes as final](#). No objections.

## ITEM 3: CBFWF Business Updates

- FY 2010
- FY 2011

**Update:** Jann Eckman provided handouts and overview of the Members FY 2010 and FY 2011 budget summaries. In FY 2010 the Members used 85% of their funding and there is 80% of the FY 2011 funding remaining in the current Members budget. The CBFWF passed the annual audit with no material findings.

**ITEM 4: Status Reports From Each CBFWA Technical Committee Chair**

At the March 10, 2011 Members Meeting, Jim Unsworth, IDFG requested that the technical committee Chairs or a representative from each committee provide a brief status report of their achievements and products at the August Members Meeting.

- WAC* Scott Soult, Chair presented the [Wildlife Advisory Committee \(WAC\) Status Report 2010-2011 presentation](#) and reported the WAC directed their efforts towards Policy Directive #1 and #3 as outlined in the presentation regarding the Regional Habitat Evaluation Procedure (HEP) Team, Northwest Power Conservation Council (NPCC) Monitoring, Evaluation, Research, and Reporting (MERR) Plan, MERR Wildlife Implementation Strategy, and NPCC Wildlife Crediting Forum (WCF) and report. Tom also provided a quick review of the new wildlife section of the Status of the Resources Report where the final WCF crediting tables are provided.
- RFAC* Mike Faler, Chair presented the [Resident Fish Advisory Committee \(RFAC\) Work Plan Update presentation](#) outlining their participation in MERR Plan, Implementation Strategies – Phase I - Subbasin Province strategies, Phase 2 - Basinwide strategies and Phase 3 - Data Sharing. There is concern on how implementation of Phase 2 and Phase 3 will be coordinated and facilitated to ensure that the strategies and data management are completed.
- LTWG* Christina Luzier, Chair provided the [Lamprey Technical Work Group \(LTWG\) presentation](#) of activities, accomplishments, and future direction. The [LTWG completed a review paper on Translocation of Pacific Lamprey](#) that was distributed in May 2011, and will be submitted to Fisheries. They completed Phase II of Passage Metrics Evaluation. Phase I – Potential Metrics, Phase II – Which is measurable and comparable, and Phase III is recommended standards. The LTWG completed a [revision of the 2005 Critical Uncertainties document](#). The LTWG is in cooperation with the NPCC and BPA. They agreed to prepare a basinwide synthesis report requested by the ISRP by the end of 2011 and they are working on a monitoring strategy and Best Management Practices (BMP) for Lamprey. BPA added BMP to the PISCES report. In the future, the LTWG will be busy preparing several technical documents and presenting the “Investigating the World of Lamprey Biology and Ecology” at AFS 2011 annual meeting and inviting the ISAB and ISRP to the 2011 LTWG workshop in the fall. The challenges for lamprey are money and time is running out. The Members stated they don’t need more studies to prove lamprey is declining; they need to act and use the information we have for restoration.
- FSOC* Lynn Stratton, Chair provided the [Fish Screening Oversight Committee \(FSOC\) presentation](#) of activities, accomplishments, and future direction. The FSOC have been meeting and discussing the Farmers Conservation Alliance Fish Screens’ new design (6” depth) which has not been approved by NMFS but will be considered individually site by site. The FSOC reviewed and endorsed NMFS generic criteria for horizontal fish screens (12” depth). The FSOC hosted the Fish Screen and Passage Training Session in September 2010, instructed by NMFS engineers and the agenda included information on culverts, dams, fishways, screens, and bypass facilities. The class was full and FSOC is considering hosting the screen and passage classes bi-annually. The FSOC members provided several tours of screen and passage facilities; most notable were the tours with Australian researchers and dignitaries. FSOC accepted federal procedures assistance from Brian Allee, NMFS related to the Mitchell Act program. Brian researched and procured federal surplus properties and provided information so each individual member could find proper mechanism to screen surplus property. The FSOC is sponsoring the [September 13-15, 2011 Pacific NW Fish Screen & Passage Workshop in Cle Elum, WA and the agenda and information is posted](#) and hosted by U.S. Bureau of Reclamation (USBR). A trade show, site visits, and the FSOC meeting are scheduled in conjunction with the workshop. The FSOC priorities are horizontal screens criteria, review all screen criteria, Lamprey screening and passage needs, Non-anadromous concerns, conflicts between juvenile/adult; upstream/downstream criteria, and awareness, education, and outreach.

A Member asked, how long it will be before enough is known about lamprey needs to be incorporated into the screening design and applications? At this time, FSOC is monitoring projects being done by others and gathering as much information available about lamprey.

In the next year, some evidence will start showing up from a couple of projects. FSOC needs to know more about swimming strengths, velocity, and attraction waters, because so much goes into passing fish upstream and/or downstream. It is expected that it will take years for lamprey specific criteria is developed.

*AFMS*

Dave Ward provided the Anadromous Fish Monitoring Strategy (AFMS) update. The Anadromous Salmonid monitoring strategies were designed to build framework around the actual projects and strategies developed at Skamania Lodge workshops of the fall of 2009. It's been two years since a large set of tables identifying specific projects, which are funded with limited RM&E money. The framework will help guide future decisions for monitoring. It's primary a NPCC product, but Dave has been serving as the primary viewer, collaborator, editor, for the NPCC. Dave is responding to the ISRP comments and the revised draft product will be available in a couple of months and closer to a final product.

*CA*

Tom Iverson provided the [Coordinated Assessments \(CA\) update presentation](#) and overview of the data sharing goals, strategy, and work plan. The CA is a successful collaboration project with CBFWA, PNAMP, USGS, StreamNet, BPA, and NOAA Fisheries. At this time, they are developing a region wide data management strategy focusing on three Viable Salmonid Population (VSP) abundance indicators for salmon and steelhead. CA efforts are bridging the gaps between collection of data by biologists and the data technicians building the IT systems to manage data transportation. In the future, the CA project will consider data management for resident fish and wildlife, and high level indicators for habitat and hatchery effectiveness assessments. More information and products are posted on the [PNAMP website](#).

**ITEM 5:**

**Status of the Resources (SOTR) Report and Future Direction**

Neil Ward stated the 2011 SOTR report is completed and available as a hard copy and on the [SOTR website](#). There is no plan or money in the budget to produce a printed hard copy of the SOTR in 2012, but the website will continue to be updated on a quarterly basis. Also, Neil reported that the website now includes a wildlife section that was developed with assistance from the wildlife managers. For Quarter 3, CBFWA staff will be updating the hatchery and bull trout sections as well as continuing to ensure the most current population status and trend information is presented.

A user group, consisting of non-CBFWA members, is being developed to identify additional types of information that could be added to the website so that it is more useful to a broader group.

**ITEM 6:**

**Columbia River Treaty (CRT) Update**

Chris Golightly, CRITFC and Mark Bagdovitz, USFWS provided [the Columbia River Treaty \(CRT or Treaty\) presentation](#) during lunch that included CRT background, a new Tribal Coordination work group organized to address issues, and the current status of the Treaty. Behind the Treaty is the Flood Control Act of 1950. In 1961 the U.S. government signed the Treaty, and the Senate ratified it. Canada requested changes, after their approval, they signed the Treaty in 1964 for 60 years.

The Treaty can be terminated September 16, 2024. The Treaty has no termination date, but if either party wants to terminate the Treaty, they must give a 10 year notice, so September 2014 is the latest date to give a termination notice. Those dates are only relevant in a case of a termination notice.

Primary purposes of the Treaty was for flood control and power. The U.S. and Canada built dams and share the downstream power benefits. The U.S. paid Canada for 60 years, to guaranteed 9 maf every year of flood control storage until 2024 and the flood control operating plan ends, if nothing else happens it goes to "called upon", after that date the U.S. must ask and pay Canada for storage for flood control, plus the U.S. must utilize their own storage capacities before they call upon Canada.

When the U.S. signed the Treaty, the U.S. anticipated that there would be more storage reservoirs built in the U.S., but that is not the case, with the exception of Dworshak.

The historical hydrograph shows the effect of the change in flood control storage in Canada.

The Treaty changed the shifts in energy generation to higher value time periods. Canada sold 30 years of entitlement back to the U.S. utilities for \$254 million until 2003-2004. Currently, the way Canadian entitlement is calculated, the U.S. returns power with an average value of \$300 million back to Canada per year and the Canadian entitlement will continue indefinitely, as long as the projects are standing and the Treaty is constructed as it is now. What are the Treaty opportunities and ecosystems benefits available? The U.S. will pay Canada much more than \$64 million for another storage plan. There is a lot of economic consideration surrounding these issues. The Canadian's feel that the U.S. got a real bargain when they signed the Treaty in 1964.

The Tribes saw these Treaty issues coming and formed the 15 U.S. Columbia Basin Tribes who have management authority and responsibilities in the Columbia River Basin affected by the Treaty. The Columbia Basin Tribes came together and adopted the common views paper of the future of the Columbia River Treaty and draft statement of goals and objectives. The common views paper includes their concerns and issues in the current Treaty. The Columbia Basin Tribes want to participate on review committees and coordinate with U.S. and Canadian entities and other parties.

The Columbia Basin Tribes' interests must be represented in the implementation and reconsideration of the Columbia River Treaty for multiple purposes.

The Columbia Basin Tribes' goals document lists co-equal members of Treaty Review Group for 2014 discussions to decisions in 2024, ecosystems function as co-equal with flood control and power production, view river management not a cost but a benefit, restore and protect salmon and other fish passage to historical habitats above Chief Joe, Grand Coulee, and Hells Canyon.

The Columbia Basin Tribes' efforts are their review of phase one and supplemental reports on the Treaty prepared by the U.S. and Canada, completed ecological and Tribal resources assessments, developed relationships with the U.S. entities and U.S. State Department, developed sovereign participation process on three levels: Policy, Coordination, and Technical, developed comprehensive basin-wide ecosystem base approach with other sovereigns.

The current efforts surrounding the Treaty review is the joint technical review or Phase 1, completed by the U.S. and Canada. They did not include any other entities until the final was completed in July 2010. Phase 1 is a baseline analysis of hydro power and flood risk post 2024. Analyzing, what happens when we go to "called upon" flood control and how those things change, the U.S. prepared a Phase 2 supplemental report looking at Phase 1's next step what happens if we overlay some of the regulatory constraints in the FCRPS of the BiOp and what effects does that have on flood control and hydropower. The U.S. and regional sovereigns are scoping and developing other alternatives for analysis. The goal is to have a regional consensus based recommendation to the U.S. State Department in September 2013, giving the State Department a year to use the recommendation to make a decision in September 2014 at the 10-year mark.

The Tribes met with the U.S. Entity and outlined their issues and concerns surrounding the Columbia River Treaty and requested that they be part of the review process.

Chris and Mark provided the breakdown of the sovereign participation process framework of three levels of coordination and regional stakeholders.

The Government to Government level is elected representatives and U.S. Entity to discuss government level issues and they meet bi-annually or as needed. The 15 Columbia River Tribes have met a couple of times with U.S. Entity who is Steve Wright, BPA and General McMann, USACE.

The coordination level is called the Sovereign Review Team which includes Mark Bagdovitz, USFWS and other policy and governmental designees who meet monthly to talk about high level issues.

The technical level is called the Sovereign Technical Team who include Tribal, state and federal technical folks. They meet several times a month and work on flood control and

hydropower issues, analysis, and report to the coordination level for review and guidance, in addition to reaching out to regional stakeholders for information.

The Regional stakeholders are PUDs, IOUs, NGOs, irrigators and shipping folks who are invited and provide information as needed.

Mark Bagdovitz thanked the Tribal partners for taking the initiative and contacting the U.S. Entity to create a sovereign review process, because of the Tribes' initiative they have provided an opportunity for others to participate in the process.

J.P. Patt asked what the standing of the Tribes is in the process. Is there a place at the table for the Tribes?

Chris replied, the U.S. Entity is the official party to the Treaty and the Tribes are not co-equal, but have the government to government level with the U.S. Entity. The Tribes strive to have consensus with the U.S. Entity with their recommendation, but essentially it will be the U.S. Entity's recommendation to the State Department.

Mark added, the party to the Treaty is State Department, they decide the future of the Treaty for the U.S. government. In this case, there is only one sovereign on the federal side and it is the U.S. Entity. There are four states and 15 Tribes and they are all sovereigns. At the coordination level those folks have not yet engaged in any kind of government to government level consultation with the Tribes. As a side note, within the U.S. Department of Interior, there are six bureaus, who are participating in the Columbia River Treaty review; they are Parks Service, BOR, BLM, USFWS, USGS, and BIA. Mark is recommending from his level that the Department of Interior needs to engage in a government to government level consultation on this issue with the 15 Tribes. In the future, when the 15 Tribes meet for Treaty discussions, all six regional executive directors would like sit down with the Tribes on a government to government basis to discuss the process before the Department of Interior make any decisions. Mark thinks that these government agencies have the same responsibility for consultation as the U.S. Entity.

J.P. Patt asked if the Treaty will be subject to a biological opinion when it is finalized.

Mark replied that in his opinion, the question would be answered when the federal government makes a decision. The U.S. Entity makes a recommendation to the State Department. The State Department makes a decision on future actions, which could go through negotiations with Canada, at that point, after a decision is made, there would be some type of regulatory review.

Chris provided an overview of the Columbia River Treaty 2014/2024 review timeline and Technical Review Team alternatives modeling for flow levels, flood risk, flood control, and hydro system. The U.S. and Canada do not agree on flood control requirements after 2024. The question the U.S. needs to answer is how much flood control storage do we need buy?

The last slide included Treaty recommendations that included a place holder for climate change.

The Sovereign Review Team agreed that the Treaty needs to reflect ecosystem function in the future. The team has created a box called ecosystem function and the policy and technical levels are in the process of defining what goes in the box and what to do with it. How do they get the contents of the ecosystem function box into the Treaty or into operations of the Canadian reservoirs?

The technical team is gathering information to show the benefits to U.S. Entity or State Department on a future Treaty.

Mark prompted; this review process is generated by the Treaty termination notice. The dates 2014-2024 are only relevant in a termination notice. If termination is part of a recommendation from the U.S. Entity or State Department, how do you we get ecosystem function into the a Treaty that does not exist or how do we achieve our objectives without a Treaty? This process is being driven by the termination notice; BPA does not want to pay \$300 million in perpetuity. How do we achieve ecosystem based function without a Treaty? There is no assurance that a new Treaty will be developed.

**ITEM 7: FY 2012 and Beyond CBFWA Work Plan and Budget**

**Background:** On August 23, 2011, the Members Advisory Group (MAG) met for a dinner discussion to finalize the CBFWA FY12 and Beyond presentation to the Members. The group discussed defining the Regional Coordination functions and mechanisms for the F&W Program and the status of the organization. They made minor edits and directed Tom Iverson to give the revised presentation to the Members the next day.

**Attendees:** Doug Taki, SBT; Edmond Murrell, SPT; Jason Kesling, BPT; Christine Golightly and John Platt, CRITFC; Gary James, CTUIR; Elmer Ward and Brad Houslet, CTWS; Dave Statler, NPT; Mark Bagdovitz and Mike Faler, USFWS; CBFWA Staff: Jann Eckman, Tom Iverson, Neil Ward, Dave Ward, and Trina Gerlack

**Notices to Withdraw**

Ron Trahan, CSKT and Jim Unsworth, IDFG gave their verbal notice that Confederated Salish Kootenai Tribe and Idaho Department Fish & Game will be withdrawing as Members of the CBFWA organization at the end of the contract year, March 31, 2012.

Dave Statler stated that the Nez Perce Tribe will be considering their future role in the CBFWA organization.

**Discussion:**

Tom Iverson provided the CBFWA FY12 and Beyond presentation to the Members outlining the CBFWA policy directives, CBFWA membership status, budget, anticipated funding levels and implications, Charter purposes and objectives, mission review, options, and next steps for the future.

Due to the status of the membership and budget reductions, the current CBFWA draft work plan cannot be implemented, the Members need to revise the work plan and prioritize the tasks for FY12 prior to November 22, 2011, when proposals are submitted for the NPCC Regional Coordination Category Review process.

The Members reviewed following possible next steps.

Next steps: To encourage non-Members to meet and discuss regional coordination requirements in the context of the upcoming project review.

Initiate a facilitated workshop to:

1. Define the regional coordination functions needed for the Fish & Wildlife Program development, implementation, and evaluation. (What are the functions and who needs to be involved?)
2. Define mechanisms to implement those functions. (Characteristics of forums to provide functions?)
3. Establish projects for BPA funding. (modify existing projects, create new projects)

The Members had a long discussion and agreed the future role of CBFWA needs to be defined. The Members did not approve the draft FY 2012 and beyond CBFWA work plan and budget. The Members provided the following comments.

Chairman Small personally feels that maintaining the Foundation and CBFWA is valuable. He believes change is coming and hopes that the Tribes and F&W agencies meet to discuss those changes to the organization and define the CBFWA role in the region.

Jim Unsworth, IDFG thanked the staff and other Members and fish & wildlife agencies for their help over the years. IDFG will continue to participate in Regional Coordination through other forums.

Olney "JP" Patt Jr., CTWS sees the value in having one table for the Tribes and F&W agencies to sit around and talk about fish & wildlife issues. Look beyond the fish accords, where is the commitment beyond the fish accords. He supports saving the organization, by adjusting to the changes, keeping what works well, and defining the functions and budget. JP will make his recommendations above to the Warm Springs Tribal Council.

Mark Bagdovitz, USFWS suggested the Fish & Wildlife managers (not CBFWA) draft a proposal to the NPCC defining the Regional Coordination needs. The Federal agencies can support establishing a project or two to facilitate Regional Coordination, if the tasks are

agreed on by all.

Dave Statler, NPT agrees that steps one and two are important, but step three is not an option. BPA has no interest in increasing funding for Regional Coordination.

Chairman Small supports further discussion on steps one and two, but suggested waiting to discuss step three.

The Members agreed that the CBFWA staff should not facilitate the proposal workshop. The proposal will need the support of the remaining Members, Tribal leaders, high policy level representatives, and Directors of CRITFC, USRT, and UCUT.

John Platt, CRITFC reminded the group of the language in [Northwest Power Act](#) pertaining to the Fish and Wildlife Program and deference to the Tribes and fish and wildlife managers. He suggested scheduling the workshop around the ATNI meetings in September or October 2011 to attain maximum Tribal participation.

Chairman Small assigned CBFWA staff to prepare a 1-2 page briefing paper of the day's discussion for Tribal leaders and policy level representatives review at the next meeting.

**Action:** The Members moved to schedule a CBFWA policy level Executive Session teleconference in the next two weeks to discuss the current status of the organization, develop a plan for coordinating with other fish and wildlife managers in the basin, define coordination functions needed for the F&W Program to help guide the Regional Coordination category review.

No objections.

**ITEM 8: Next Members Meeting**

**Action:** The Policy Members will meet in September 2011 in Executive Session via teleconference and/or face to face at the CBFWA Office, Portland OR. The date and meeting logistics are forthcoming after the doodle poll results are tallied.