

Columbia Basin Collaborative Charter Review Subgroup Meeting

Meeting Summary

Wednesday, March 20th, 2024, from 2:00 – 4:00pm PT/ 3:00 – 5:00pm MT

Attendees

Working Group Members in Attendance: Anna Brady (Confederated Tribes of the Colville Reservation), B.J. Kieffer (Spokane Tribe of Indians), Brent Hall (Confederated Tribes of Warm Springs), Ed Bowles (State of Oregon), Humaira Falkenberg (Pacific County Public Utility District), Jim McKenna (State of Oregon), Joseph Oatman (Nez Perce Tribe), Kevin Scribner (Salmon Safe), Liz Hamilton (Northwest Sportfishing Industry Association), Michael Garrity (State of Washington), Michael Tehan (National Oceanic and Atmospheric Administration Fisheries), Paul Arrington (Idaho Water Users Association), Robert Lessard (Columbia River Inter-Tribal Fish Commission), Robert Masonis (Trout Unlimited), Roland Springer (Bureau of Reclamation), Scott Hoefer (Bureau of Reclamation), and Tom Iverson (Yakama Nation)

Facilitation Team: Grant Simmons (Kearns & West), Liz Mack (Kearns & West), and Samantha Meysohn (Kearns & West).

Welcome, Agenda Review, and Context

Liz Mack, Kearns & West, provided an overview of the agenda and meeting guidelines. The topics included: 1) Columbia Basin Collaborative (CBC) charter revisions proposals, and 2) Confirm next steps and action items.

CBC Charter Revisions Proposals

Liz recapped the previous Charter Review Subgroup meeting and highlighted two topics that hadn't been discussed yet, including CBC leadership and the role of sovereigns. She then went over the proposed scope changes, feedback on leadership, and proposals shared at the last meeting for changing the definition of consensus both at the work group and the Integration/Recommendations Group (I/RG) levels.

A high-level summary of the discussion is below:

- One member asked if changes to the charter would require consensus from the I/RG. Liz clarified that making a change to the charter would require consensus, since the parties that wanted to be a part of the CBC came to consensus on the original charter.
- One member asked for additional detail on the issues regarding the role of sovereign. Another member shared a brief overview of the history of Tribal treaty rights, noting that for decades, the US government did not uphold treaty rights. Over many years of legal battles, the federal courts eventually upheld Tribal fishing rights. However, ongoing litigation and the presence of the Endangered Species Act (ESA) have further complicated matters. Given this context, the tribes are not inclined to participate in work groups that revisit or relitigate these contentious

issues repeatedly with a mix of sovereigns and stakeholders. Liz asked if changing the scope of the CBC could address these concerns, and this member indicated that it could potentially help.

Scope

- Members discussed the scope of the CBC. Multiple members agreed on the need to address the scope issue and noted a lack of clear direction, suggesting that the group had tried to cover too many topics without a focused approach.
- Multiple members called for an approach to recenter the CBC on its core objectives by integrating the charter's goals into the group's activities.
- Members also proposed recentering discussions around partnership scenarios to better align with fish goals and tribal commitments to salmon restoration. One member encouraged members to revisit the Columbia Basin Partnership Phase 2 report and its scenarios.
 - Liz noted that scenarios are being addressed in the concurrent Structured Decision Making (SDM) Sub-group conversation. One member stated that they disagree with using the SDM model, citing differences in the Columbia River Basin from the example California process and the unique treaty situations in the basin.
- Members discussed how the CBC scope should be modified to avoid duplication with other processes. One member stated that it's worth considering that the Columbia Basin Restoration Initiative (CBRI) represents a basin-wide strategy across various categories and that emphasizing the focus on threats may warrant further discussion, especially given the commitments made through the Memorandum of Understanding (MOU) and related agreements. Another member noted that some CBC workgroups currently duplicate the efforts of other outside forums. They did note that there's a need for a comprehensive basin-wide strategy to restore salmon populations and that the CBC could be productive if it leveraged its lobbying capacity.
 - One member proposed adjusting scope, so that the topics of hatcheries & harvest, hydro, and blocked areas were taken out of the CBC and for the CBC to appropriately scope discussions on habitat, predation, estuary health, and ocean conditions.
 - Regarding hatcheries and harvest, one member noted that both the National Oceanic and Atmospheric Administration (NOAA) rebuilding report and the CBRI are already addressing this topic. One member suggested changing the framing of hatcheries/harvest from a threat to use the work groups to look at ways to improve these pieces. One member noted that there are watershed groups handling hatchery inquiries in the basin. A member said they believe it is beneficial to look at the interactions between hatcheries and harvest to ensure their interplay is captured correctly.
 - Regarding hydropower impacts on salmon and steelhead, one member noted that this topic is addressed in other forums.
 - Regarding blocked areas, one member noted that with the blocked areas above Grand Coulee Dam, the Spokane Tribe of Indians has a MOU with the government in place and for this group to consider setting aside the Upper Columbia above Grand Coulee but keeping other blocked areas in the Columbia River as part of discussions in the CBC.
- Multiple members shared support for continuing to refine the CBC scope, and several participants agreed to meet up in a smaller group to discuss the specifics of this scope changes.

Leadership

- Members discussed current Project Team participation. A proposal was made to have the Tribes of the CBC discuss their interest in participating as part of the Project Team to honor their status as sovereigns and fish managers. Members agreed to meet up to discuss more in a future meeting.
- Members briefly discussed current federal participation on the Project Team. Currently, the NOAA Fisheries has a seat on the Project Team. One member stated that they don't believe there is a need for more federal participation at this time, but they offered to check with the fellow federal I/RG colleagues to confer. Liz offered for Kearns & West to follow up with federal agencies to gather their input.
- Members discussed the possibility of an executive director being hired for the CBC. One member said the time commitment and cost must be outlined first before it would be possible to hire an executive director.
- Another member stated that they believe stakeholder participation is a defining characteristic of the CBC and that any leadership changes should ensure that certain interests, such as river economies, are not disenfranchised.
- Members discussed implementing a new steering committee for the CBC. One member advocated for a steering committee, stating that such a committee could allow for greater transparency and collaboration across the entire effort. They also stated that a steering committee could handle guidance for the overall effort while the project team could focus on operations. Another member noted the I/RG's size, diversity, and consensus-driven nature as hindrances to nimble decision-making. They noted that a steering committee could possibly gain too much influence within the CBC and become an issue. Another member reflected on the Steering Committee approach used during the Columbia Basin Partnership, and shared that the steering committee was only in place during the convening process, and then was disbanded. Another member echoed concerns about hierarchy within the CBC and called for clarity on the purpose of a steering committee. Members discussed proposals for exploring alternative improvements for transparency and functionality, including looking at past scoping efforts to focus decision-making. One member advocated for allowing for the potentially expanded project team to address transparency concerns before considering additional governance layers. One member stated that while this was an effort started by the states, there has always been an intention to have leadership be distributed across others in the basin.
- Members briefly revisited the proposal to change the definition of consensus in the I/RG and work groups. Liz asked the group if addressing the scope would address concerns about the consensus process and several members expressed an interest in continuing to discuss this topic at a future meeting.

Confirm Next Steps and Action Items

Action items from this meeting included the following:

- **KW:** Reach out to Joe, Tom, Brent, Paul, Rob, Michael Garrity, Ed, and Michael Tehan/Roland to schedule a time to meet and further discuss the scope of the CBC as the Scope Sub-group.
- **Federal Reps:** Coordinate participation on the Scope Sub-group and check-in about Project Team representation.
- **KW:** Reach out to the CBC participating tribes to schedule a time to meet and discuss if there is interest in joining the CBC Project Team.
- **KW:** Reach out to the Charter Review Sub-group to schedule a third meeting.

- **KW:** Draft a 3/20 Charter Review Sub-group meeting summary and circulate to the group for review by 4/5.

Meeting adjourned at 4:00pm PT.