

Regional Executives Policy Roundtable

December 6, 2001

Meeting Notes

Facilitator: Donna Silverberg, DS Consulting

Notes taken by Jeff Kuechle

The following notes are meant to capture the general discussion of those at that the meeting, and are not intended to serve as a verbatim transcript. These notes represent a dialogue between governments, and should not be construed as the final policy statements of any agency or government. Corrections to these notes may be made by contacting Molly Moreland of BPA at 503-230-3501 or mrmoreland@bpa.gov.

Present:

Witt Anderson, COE	Valerie Lefler, BPA
Doug Arndt, COE	Jim Litchfield, Consultant, Montana
Ed Bartlett, NWPPC, Montana	Bob Lohn, NMFS
Rapheal Bill, CTUIR	Julie Longenecker, CTUIR
Harold Blackwolf, Warm Springs Tribes	Doug Marker, NWPPC
Eric Bloch, NWPPC, Oregon	Ron McKown, BOR
Lorri Bodi, BPA	Armand Minthorn, CTUIR
Michael Bogert, Gov. Kempthorne's office, Idaho	Jay Minthorn, CTUIR
Brian Brown, NMFS	Les Minthorn, CTUIR
Gary Burke, CTUIR	Molly Moreland, BPA
Charles "Jody" Calica, Warm Springs Tribes	Mike O'Bryant, Columbia Basin Bulletin
F.L. "Larry" Cassidy, Jr., NWPPC, Washington	John Ogan, NWPPC
Ernest Clark, BIA	Dan Opalski, EPA
Scott Corwin, Pacific Northwest Generating Cooperative	Ken Pedde, BOR
Alan Crawford, CTUIR	Samuel Penney, Nez Perce Tribe
Steve Crow, NWPPC	Dennis Rohr, D. Rohr and Associates
Judi Danielson, NWPPC, Idaho	Roy Sampsel, CRITFC
Darrell Eastman, BPA	Don Sampson, CRITFC
David Fastabend, COE	Bill Shake, Fish and Wildlife Service
Kathy Fisher, BPA	Donna Silverberg, Facilitator
Nancy Graybeal, Forest Service	Gary Sims, NMFS
Charles Grist, NWPPC	Alex Smith, BPA
Richelle Harding, D. Rohr and Associates	Stephen Smith, Colville Tribe
Dan Hester, CTUIR	Mary Lou Soscia, EPA
Charles Hudson, CRITFC	Linda Ulmer, Forest Service
Alvina Huesties, CTUIR	Jeff Van Pelt, CTUIR
Karen Hunt, BPA	C.R. "Rich" Vigil, Jr., USDA-NRCS
Gary James, CTUIR	Lynda Walker, COE
Dave Johnson, Nex Perce Tribe	Rob Walton, Public Power Council
Dan Krueger, COE	Carolyn Whitney, BPA
Jeff Kuechle, note-taker	Bill Wiles, Upper Columbia United Tribes
Gayle Lear, COE	Steve Wright, BPA

By Phone:

Amos First Raised, Burns Paiute Tribe
Warren Seyler, Spokane Tribe & Upper Columbia United Tribes
Mary Verner, Spokane Tribe

1. Greetings and Introductions.

Facilitator Donna Silverberg welcomed everyone to today's meeting of the Regional Executives Policy Roundtable, held December 6 at the Sheraton Airport Hotel in Portland, Oregon. Silverberg led a round of introductions and a review of today's agenda.

Please note that this is a summary, not a verbatim transcript, of items discussed, decisions made and work products assigned at today's meeting. Anyone with questions about these minutes should contact BPA's Molly Moreland at 503/230-3501.

2. Role of CEQ Policy Group.

Steve Wright thanked everyone for attending today's meeting. He noted that the expectation was that this group would meet more regularly, but there have been some questions raised about how best to make this group useful. The steering committee has struggled with this issue, said Wright, and has worked hard since our August meeting to define where we're going to go, and to put together the issue papers that were made available prior to today's meeting.

Wright said that, in terms of the goals for today's meeting, his hope was that the group would review the role of the various entities on today's agenda, would develop a better understanding how all of the pieces fit together, and would discuss the future direction of the Regional Executives, including the five-year implementation plan. The meat of today's agenda, however, is our discussion of the issue papers and a group decision about the recommendations they contain, as well as the discussion of the future role of the Regional Executives, Wright said.

With respect to the role of the CEQ policy group, Wright noted that most of those in attendance today work within large organizations; he said that decisions about where issues go to be resolved are seldom easy. He said a letter was sent out explaining that the purpose of the CEQ group is to make policy decisions that are consistent with the views of the Bush administration. However, said Wright, to the greatest extent possible, they would prefer to see us develop local solutions to local problems. It is difficult to give you a clear dividing line, in terms of these issues will be resolved here and those issues will be resolved there, Wright said – all that can really be said is that the more we are able to work out our own solutions on these issues, the less the D.C. policy group will need to get involved.

Michael Bogert said the Idaho Governor's office doesn't see the purpose of the CEQ policy group as being inconsistent with the work that needs to be accomplished in the region. Rather, Gov. Kempthorne sees the CEQ policy group as a valuable addition to the regional decision-making toolbox. Sam Penney, Nez Perce tribal chair, said he was in attendance today to discuss the role of the Regional Executives, as well as how the CEQ policy group fits in with other regional needs. Penney said he had met recently with Bob Lohn in Lapwai, and had reminded Lohn of the federal action agencies' responsibilities under the U.S. Constitution:

“The Congress shall have the power to regulate commerce with foreign nations, and among the several states and with the Indian tribes.... this Constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.... the Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and the several States, shall be bound by oath or affirmation, to support this Constitution....”

Penney also read an excerpt from a letter from then-Governor Bush, affirming his belief that the federal and state agencies have the responsibility to uphold the Nez Perce Treaty of 1855.

There is a unique relationship between the federal government and the various tribes, Penney said; initially, the Nez Perce Tribe declined to participate in this group, due to concerns about what the role of this committee and the CEQ will be, as well as how the needs of the tribes will be addressed. We are still interested in the answers to those questions, Penney said; the Nez Perce may or may not choose to participate, in the future, depending on how

those questions are answered. Wright replied that these issues would be explicitly addressed in the last item of today's agenda.

Don Sampson commented that a cross-cutting budget showing everything that will be available for fish and wildlife recovery in the basin would be an extremely useful addition to the recovery process, because it would allow everyone in the region to see with how the salmon recovery work that is being done in the basin corresponds with Congressional and Presidential expectations.

The federal agencies did put together a cross-cutting budget for FY'02, Wright replied; we had a fruitful meeting with the states and tribes on that topic. Wright added that the intent is also to develop a cross-cutting President's budget for FY'03.

The group discussed the potential desire, on the part of some of the tribes, to meet directly with the CEQ policy group. Col. David Fastabend of the Corps warned that, in his experience, policy-level people in Washington D.C. have been loathe to deal with the tribes individually; Fastabend suggested that it would be much more effective, in terms of meeting the region's shared salmon recovery goals, if the tribes were willing to work within this regional process to develop a unified regional position. If you forsake this process, he said, it is likely that your voice will not be heard.

Wright added that any feedback or suggestions the states and tribes have about what the FY'03 budget should look like should be submitted to his office as soon as possible. Work has already begun on that budget, Wright said, and while we cannot negotiate a budget with you, we are interested in your suggestions.

Michael Bogert then shared a presentation from Idaho Gov. Kempthorne's office: "2000 FCRPS BiOp Implementation: One State's Perspective." The presentation made the following major points:

- Overview: Common ground. Significant motivators/drivers, the path forward
- What are our common interests? (to do good things for fish while satisfying a need for self-determination, reliable energy in the Pacific Northwest, we would rather not have a federal judge running the FCRPS as a result of litigation)
- Significant motivators: the four governors' recommendations, 2000 FCRPS BiOp, the Northwest Power Act
- The path forward (state responsibilities: stakeholder development within states, project development with prioritization. Federal responsibilities: appropriate input and early, one-stop shopping for science review and permits. Funding efficiency [short-term]: NWPPC emphasis on 2000 FCRPS BiOp, other available funding. Funding efficiency [long-term]: subbasin planning flexibility, integrated planning by states for multi-year projects).

In response to a question from facilitator Silverberg, Bogert said his presentation today was for informational purposes only, but was intended as Idaho's response to the challenge laid down by Steve Wright at the August Regional Executives roundtable. In essence, he said, Idaho's governor sees an opportunity, with the four Northwest governors standing on common ground, to develop a unified federal, state and tribal strategy. We're aware that there are still a lot of challenges out there, Bogert said, but we're confident that we can make progress on these issues and develop a unified proposal that will be satisfactory to everyone.

In response to a question from Col. Fastabend, Bogert said that, given the fact that no Pacific Salmon funds are provided to Idaho, he is unsure what Gov. Kempthorne is willing to commit, in terms of Idaho State general funds, to the recovery effort.

Eric Bloch flagged two issues that are still being worked out by the four states: 1) how, or to what extent, BiOp implementation should proceed through the Council process and with Council involvement and 2) the goals established under ESA vs. the goals of the Northwest Power Act. It's fair to say that Idaho's position, as laid out in the presentation we've just heard, is that what program implementation should be about in the next few years is implementing the Biological Opinion, said Bloch, noting that Oregon, for one, has some concerns about that general direction. The goal of the BiOp is avoiding jeopardy, Bloch said; the Council Fish and Wildlife Program has more far-reaching goals.

Wright noted that some parties at this table have expressed concern about the Idaho proposal, and about the fact that Idaho has been discussing the role of this group with the CEQ. Wright asked that, as this proposal is fleshed out further, that Idaho share it with this group before putting it forth as a Regional Executives roundtable recommendation. That is certainly a fair and appropriate request, Bogert replied; it is our intent to do so. Wright said he is grateful to Idaho in particular and the states in general in taking up the challenge he laid down in August.

3. Role of NWPPC Provincial Review.

Council staff led this presentation, using a series of PowerPoint slides. John Ogan and Doug Marker briefly described the provincial review process and how this process the follow-on subbasin plans can be used to develop a unified and integrated approach for fish and wildlife, particularly on habitat and hatchery issues. The Power Point presentation touched on the following major areas:

- The geographic scope of the Council's provincial review
- The boundaries of the twelve ecological provinces (mainstem, Lower Columbia, Columbia Gorge, Columbia estuary, Columbia Plateau, Columbia Cascade, Inter-Mountain, Mountain Columbia, Blue Mountain, Mountain Snake, Middle Snake and Upper Snake) and 62 subbasins
- The 2000 Fish and Wildlife Program amendment schedule
- Required elements of the subbasin summaries
- The public process for developing a subbasin summary
- The seven-step project selection process
- The role of CBFWA
- The role of the Independent Science Review Panel
- Participants in provincial review and subbasin summaries
- A flow-chart overview of the subbasin planning process

One CRITFC representative expressed concern that the goal of 5 million fish in 25 years is not being addressed in the provincial review structure; instead, the planning emphasis is on BiOp implementation (both the 2000 FCRPS BiOp and the bull trout BiOp). Council staff said they hope to be able to address that concern later in today's meeting.

The Council's position is that, now that the Biological Opinion is finished, the federal action agencies should stop meeting in federal-only groups, such as the Federal Caucus, and start working with the Council's regional review and subbasin planning processes, said Doug Marker. In reviewing the draft Five-Year Implementation plan, he said, Council staff is impressed by the level of recognition of the Provincial Review process in that document. BiOp and Fish and Wildlife Program implementation can proceed in an integrated way, Marker said; we want to do whatever we can to make that happen. Council staff also complimented the federal agencies on the One-Year Implementation Plan, saying that it signals a desire and an intent to move in this same direction - that is, toward integration and unification of effort. A clear and unified implementation plan will help in our efforts to secure additional federal funding for fish and wildlife recovery in the Northwest, Marker added.

Bloch said he agreed with Council staff's assessment that there is a high level of enthusiasm about the subbasin planning process, for three reasons: a strong sense of environmental stewardship, a sense that the process will be the key to obtaining BPA funding in the future, and third, because working through the subbasin planning process will confer benefits in terms of NMFS favor for landowners. Bloch added, however, that while there is some guidance about what the subbasin plans should contain, the Council has sent a mixed message: in essence, that project developers are free to ignore that guidance. BPA and NMFS share some of those concerns; they would prefer to see a higher level of uniformity in the subbasin plans, so that their scientific soundness can be more effectively assessed, said Bloch. Is there a way that the Council, NMFS and BPA can confer on this question, and decide whether the current approach is really going to satisfy everyone's needs and responsibilities? Bloch asked.

Bob Lohn replied that it is NMFS' intent, for ESA purposes, to set interim planning targets for fish. We're also interested in seeing a plan that addresses, in an integrated way, ESA and Treaty/Trust responsibilities, Lohn said. We want to be able to provide some sort of scientific review up front; in essence, what we want to be able to say is that, in the three to five years this plan is being carried out, we won't be looking for more actions in a particular subbasin. We need enough detail to ensure that a plan is credible, he said; however, that doesn't

necessarily mean we're completely happy with the subbasin planning template in its current state – there are a number of areas where we feel it could be improved, Lohn said.

Steve Wright said he would work with Lohn to see what sort of guidance can be provided back to Oregon. He added that, with respect to Marker's comments, it is the federal parties' intent to integrate BiOp implementation with the Council's subbasin planning process as closely as possible; with respect to Bloch's comment, Wright said it is certainly Bonneville's intent to use BPA funding as a carrot to encourage effective subbasin planning.

One CRITFC representative commented that the seven-step review process proposed by the Council, while thorough, is too lengthy – people are getting processed out, he said, so any areas where streamlining could occur would be appreciated. He added that he does not want to see the Council's Fish and Wildlife Plan become a BiOp implementation document – the tribes and states need to be able to set the management goals for their basins, he said.

4. Issue Papers.

Silverberg explained that these issue papers were developed in response to a request at the August Regional Executives meeting; they were developed by the Regional Executives steering committee with the intent of laying out issues the states and tribes feel are worthy of further discussion.

Roy Sampsel led the discussion of the issue papers. He noted that, at the August meeting of this group, many concerns and issues were raised about the one- and five-year implementation plans, which were then being drafted. There was a desire to collect those concerns under each "H," and to discuss ways to resolve those concerns and to address them in the implementation plans themselves, Sampsel said.

The issues have been raised, and the papers have now been developed, Sampsel said. It is important to note that these documents only reflect a range of issues – they do not contain the full list of the concerns that have been raised about the implementation plans. Also, said Sampsel, these issue papers are not necessarily supported by any or all of the parties -- they're just a sampling of some of the questions that have been raised. In the upcoming discussions about the future role of this group, said Sampsel, it may be appropriate for you to use these papers as one means by which to resolve some of the questions and issues that have been raised by states, tribes and individuals about the implementation process.

There is also another paper there, dealing with budget, he said – the bottom line here is that we should be able to do a crosscut budget, despite the restrictions on the federal parties' ability to discuss the FY'03 budget before it is issued.

One major concern expressed as a group is that, while we have an implementation plan, we don't have a budget that will allow it to be fully implemented, Sampsel said. Nor is there a sense among the Regional Executives participant that the current planning horizon allows for some sort of a reasonable ramp-up to a budget that will allow for full implementation. We are aware of the restrictions on the federal parties about discussing or negotiating a budget before the President's budget is released, said Sampsel; again, however, a clear crosscut budget would be very helpful to the region.

6. Role of the Regional Executives.

Wright went to the white board and drew a pyramid-shaped diagram, which laid out a proposed structure for the resolution of the issues that have been raised about the implementation plans. At the apex of the pyramid was the CEQ policy group; at the second tier was the Regional Executives; the third tier showed a series of subcommittees to discuss each of the major issue categories (hydro, habitat, harvest, hatcheries, budget).

We have a proposal from the steering committee as to how the issues raised at our last meeting might be handled, Wright said; in all, there must be 50 or 75 issues; far too many to deal with effectively within this body. At least for the federal parties, the steering committee's recommended structure seems workable, Wright said.

We are committed to addressing all of the issues raised in the issue papers, he said; in other words, nothing is off the table, and if there is a way to resolve these issues, we will, although that is in no way a commitment that anyone's position is going to change. Also, said Wright, we heard the earlier comment about the need for less process; the federal parties are willing to commit staff and resources to work on these issues, as long as we hear a similar level of commitment from the states and tribes.

Jim Litchfield replied that Montana is committed to this process, and is prepared to roll up its sleeves and work with the other states, tribes and federal agencies to get these issues resolved. With respect to the hydro "H," Litchfield added that the current TMT/IT structure does not adequately address the needs of the tribes; they need to feel that, whatever process is chosen, it needs to better meet their needs. There are a lot of questions about how all of the appropriate parties in the region can be involved in hydro decision-making, Litchfield said. Certainly, he said, there are a series of legitimate questions regarding hydro operations and the future role of TMT and IT.

Armand Minthorn of the Umatilla Tribe said that, in becoming more familiar with the work of this group, he, too, has a lot of questions. In any effective forum, there needs to be equal participation, something that, up to now, has been denied from the tribes, Minthorn said. We need to be involved in developing the agenda for these meetings, he said, adding that he questions whether or not the Umatillas will participate in the future, because so far, they have yet to be heard from this morning. We've heard from the federal parties, the state of Idaho and the Council, Minthorn said; so far, there has been little or nothing from the tribes.

We now have 10 minutes left before many tribal representatives need to leave, Minthorn said; obviously, you're not going to hear much from us today, either. If the tribes' voice is not going to be heard in this forum, he said, why do we need to participate? We have many concerns, which we have stated very clearly, with respect to the Biological Opinions. We have many priorities; we have a lifestyle that's at risk, Minthorn said. We have to work together; we have some common interests and common concerns.

To date, he continued, BPA hasn't worked very well with the tribes; our comments are generally ignored, and we are more often than not denied funding for the projects we think are important. Our lifestyle is dependent on water, fish and wildlife; that lifestyle is at risk because of how the dams are operated. Any issue paper has to reflect everyone's voice; to date, these issue papers do not reflect the tribes' concerns adequately, and until they do, we're doomed to continue to go around in circles. We have to have a true regional/tribal collaboration to resolve these issues, Minthorn said; otherwise nothing will ever be resolved. I am disappointed this morning, he said, and I had to say something – I couldn't stay silent any longer.

We have a lot at stake, said Minthorn – we have a resource we're both dependent on, and we have problems that we need to solve. Again, he said, I would question the Umatilla Tribes' participation in future meetings of this group, if they're all going to be like this; again, I would urge you to ensure that the tribes have an equal voice in this forum.

I'm disappointed by your comments, said Wright; I thought we had gone to a great deal of effort to involve the tribes in the steering committee, which set today's agenda. The intent was to have equal representation on the steering committee, including both upriver and downriver tribes, as well as the state and federal parties. The issues they laid out in the issue papers were state and tribal issues, for the most part; today's agenda was constructed to address them. The purpose of these discussions is to ensure that all of your issues do get out on the table, Wright said; if that isn't happening, then we have a process problem.

Jay Minthorn said he agreed with Armand Minthorn, as well as with Samuel Penney. He reminded the group that the tribes are another sovereign nation; this is the first meeting of this group that I've attended, he said, and we need to ensure that it isn't expected that this process will be a substitute for the formal consultation process. We need a seat at the table – full consultation, not just input and discussion. To me, he said, we're talking about many of the same issues that deeply upset the tribes during the old Salmon Summit days. We came here to see if we might be full participants at this table, Jay Minthorn said – we have the technical and economic expertise and the knowledge to do so. We're not questioning your agenda at this time, he said; however, we need greater clarity about the role of the Regional Executives, and who is bringing the policy into these meetings. Again, he said, never forget that these are sovereign nations you are addressing; we are recognized as such under the Constitution, the supreme law of this land.

Larry Cassidy observed that BPA and its administrator deserve congratulations for putting this group together; he added that the steering committee had developed both the issue papers and today's agenda with extensive participation from the tribes. He added that the only reason we're at this table is that there is a shortage of fish; the withdrawal of tribal participation from this process will not help fish, Cassidy said. The input and the expertise of the tribes is crucial to recovering our salmon stocks, he said; if you find this process is lacking, then let's work harder.

Bloch said that, in Oregon's view, the Regional Executives need to be a decision-making body, rather than simply another discussion group. It has to be a process where the federal government commits that the decisions made by the Regional Executives are real, Bloch said. Col. Fastabend said that, in his view, the process is working better than some think. When the Corps takes the states' and the tribes' views and incorporates them into its budget recommendation, then the Corps can say that those proposals reflect the needs of everyone in the region, Col. Fastabend said. That gives our budget tremendous leverage, and the region should see that that effort was successful once it sees the Corps' budget for next year.

We could make a statement that this is the table at which decisions are going to be made, said Wright; however, that will only be true if all of the major parties are sitting at this table. We have to have federal unanimity if our decisions are going to stick; we have to make decisions that are acceptable to our constituents if our decisions are going to stick, he said. The hardest decision area is budget, said Wright, especially when we start talking about significant increases in federal budgets – then, you're talking about an increase that has to compete with everything else in the federal budget. Sustainable decision-making is the goal, he said.

Another Umatilla tribal participant, Les Minthorn, said he had wanted to come to today's meeting to listen, and to see how the Regional Executives process works; he said he does not reject out of hand the offer of future tribal participation in this process. We need to take our viewpoints back to our tribal boardroom, and develop a written response as to how this process might better involve us, as well as what our issues of greatest concern are, Minthorn said. We will send you a letter clarifying the many concerns you have heard expressed here today, he said, and thanked Wright for the opportunity to attend and participate in today's meeting.

Charles "Jody" Calica, Natural Resources Director of the Confederated Tribes of the Warm Springs Reservation, commented that his tribe has been very successful in building alliances involving a broad spectrum of river interests through its involvement in the Deschutes Basin Resources Conservancy. He noted that the DBRC has developed innovative water rights settlements, successfully managed both wild and hatchery fish, acquired 40,000 acres in the John Day system for fish and wildlife restoration purposes, entered into a partnership with PGE to overcome a very contentious relicensing process for the Pelton/Round Butte project, and even managed to double flows in the Middle Deschutes during one of the worst drought years on record. I don't see, he said, why we can't establish similar levels of cooperation and success and apply it to the entire Columbia Basin. As the old African proverb says, he said, "When bull elephants fight, the grass always loses."

Bill Wiles noted that only CRITFC has stated its possible intention to leave the Regional Executives table; UCUT plans to continue to participate. He noted that the tribes had not been consulted regarding the Idaho state proposal Bogert outlined earlier. Wright replied that the state plan is being developed in response to a request he had made at the August Regional Executives meeting; Wright reiterated that Idaho has committed to sharing the paper with this group before it is forwarded to Washington D.C.

Penney cautioned that state policy does not always reflect tribal policy; he used the examples of the gray wolf reintroduction project and the Snake River Coho restoration project, as two projects opposed by the State of Idaho but successfully implemented by the Nez Perce Tribe. Penney added that, if this group is not going to be a decision-making body, he sees no reason to participate in the future, noting that his time would be better spent dealing with those in Washington D.C. who will be making the decisions that affect the region. If there are decisions to be made by this group, he said, you need to give us clear warning of those decisions at least a week in advance, so that we can discuss our tribal position with our tribal council. I will discuss this meeting with our tribal council members, he said, and like the Umatillas, will give you their decision as to whether or not we will continue to participate.

I'm a little adrift, Wright said – we had thought that the steering committee was a way to tee issues up for the consideration of this group; we need to know how we can modify that process so that it does work for your tribes – whether the steering committee can be modified to better address your issues, or whether some other process is needed. Penney replied that he would discuss how the Regional Executives process might be improved with his board; unless the process is improved, he said, we're going to have difficulty addressing any of the issues outlined today.

Doug Marker noted that the Council's Regional review and subbasin planning processes can answer many of the questions and issues laid out in the issue papers. Col. Fastabend added that in no sense does he feel this process is adrift; this is a highly-charged atmosphere, and you have to expect a little static, he said, adding that he sees some real progress, in terms of meaningful dialogue and clarification of the state processes.

Wright noted that a set of issues have been identified with the states and tribes; a work group has been proposed to address those issues and tee them up for Regional Executives discussion and resolution. I was hopeful that we might be able to obtain Regional Executives buy-in on that basic concept at today's meeting, said Wright.

Both Bloch and Ken Pedde expressed frustration with the fact that various fora involving the three sovereigns have been tried, including FOEC and CRBF, and all have failed, as this forum is now in some danger of doing. Cassidy observed that there is progress being made, in terms of the numbers of returning salmon; if Wright's expectation is that everyone in the region is going to work in harmony, that may be an unrealistic expectation, given the history of disharmony among groups this large in the region. At the same time, he said, it is critical to keep the doors of communication open with the tribes.

Maybe we just need better definition of the purpose of this group, said Bloch; that purpose could be as simple as better communication among the state, federal and tribal entities. If we keep the scope that limited, he said, there is a chance the group might succeed. We might expand the scope to include state and tribal input into federal decision-making, he said. I'm not proposing that either of those options is most appropriate, said Bloch; all I'm saying is, let's label this entity for what it is, then see who is interested in participating.

Steve Crow observed that it is unrealistic to expect the Regional Executives to be a decision-making body. There are effective fora already established in the habitat and hatchery areas, he said; in the hydro H, we're talking about whether it should just be the federal agencies, or whether it should be a broader group that is making the decisions.

Bill Shake disagreed, noting that this group needs to do more than just disseminate information. In my view, he said, we want to have enough substance to ensure the continued participation of policy-level people. We have the list of issues developed by the states and tribes, he said; let's tee them up and see where this group can get with them.

Nancy Graybeal of the Forest Service said her sense is that the tribes in particular wanted to have a meaningful discussion of the appropriate future role of the Regional Executives; they particularly asked that we not have this discussion in their absence, so we're doing the very thing they asked us not to do. I don't see how we can bring this to closure in their absence, she said.

Lohn noted that the UCUTS and other tribes are still at the table, so it's not a complete failure in terms of tribal participation. He said that, in his view, there may have been some confusion about the agenda and how it was prepared. I didn't hear that the CRITFC tribes were unwilling to participate in the future, Lohn said; I think we need to wait to hear back from the tribes about their concerns and willingness to participate in the future. If the CRITFC tribes are unwilling to continue to participate in this group, Lohn said, then we as federal agencies will need to find some other way to consult with them. Lohn noted that these kinds of meetings are very difficult to organize and chair; he expressed gratitude for Wright's even demeanor throughout the day.

I go to these meetings and continually hear from the tribes that we have not listened to them, said Pedde. I disagree; I think the tribes have had significant influence on how we operate the system. If we listened only to the State of Montana, I doubt we would see much in the way of summer flow augmentation for anadromous fish, Pedde said; if we listened solely to the downriver tribes, we would raft the reservoirs much deeper than we do now. I think

there's a fundamental disconnect somewhere, Pedde said – if the tribes feel we have not implemented everything they have asked, that's a true statement – but it's also an unrealistic expectation on their part. Pedde asked that the tribes more specifically articulate the issue that is not being addressed.

Wiles replied that, from the tribal perspective, the region isn't just dealing with the present situation; it is dealing with decades of history and mistrust. He added that part of the problem may be, also, that with the end of the energy crisis, this forum has lost some of its vitality.

In terms of logical next steps, Wright suggested that the federal parties take a stab at developing a charter for this group. Also, he said, Chairman Penney's raised a very valid point earlier -- whenever there is a decision to be made by this group, we need to send out a clear notice of that decision at least a week in advance. I would also suggest that we continue to ask the steering committee to work on the agenda and tee issues up for us, Wright said.

Litchfield expressed concern that, somehow, the tribes feel they are not being adequately represented on the steering committee; he added another concern: full state participation, given the fact that only Montana has explicitly committed to this process. Before we can commit to this process, we need to know what's in the charter, Bloch replied. However, it would be appropriate for the other states to agree that there is value in this process, and to help shape the charter. If what you're looking for is a commitment to a workable, collaborative state-tribal-federal forum, you have that from Oregon, Bloch replied, adding that the charter of the old Columbia River Basin Forum might be a good starting-point for the steering committee's deliberations on a charter for the Regional Executives. Cassidy said he cannot give a clear indication that Washington is fully committed to this process, but added that he believes such participation would be valuable, and that he will work to make it happen.

What is the purpose of the issue papers now? Marker asked. A lot of good work went into those, Wright replied; they shouldn't just be thrown out. If the action agencies feel these are the right questions to be answered in the one- and five-year implementation plans, Marker said, then we should attempt to address them. That's a good point, said Litchfield – how do we go from teeing up the issues to actually improving the implementation plans?

We're going to try to make the steering committee work, said Wright. Frankly, I don't see any other path forward. Warren Seyler, Spokane Tribal Councilman and Chair of the Upper Columbia United Tribes, noted that the Regional Executives started out as a one-issue group, and those kinds of groups are suspect because of their tendency to evolve and take on a life of their own. In order to get the tribes to the table, he said, some guidelines need to be put in place. Mainly, he said, the tribes are never involved in the actual decision-making; a better process needs to be laid out for that.

The problem is in the process, Seyler said, as well as in the organization and how it came about – the tribes are suspicious of this particular organization, and will continue to be until the role of the group is better-defined. Those comments are on point, Wright replied; we will be sending out a document laying out a better-defined role for this group. Seyler added that future agendas need to be more issue-specific, laying out very specifically what issues are going to be discussed and, hopefully, resolved, well in advance. That way, he said, the tribes will have an opportunity to develop tribal positions on each of the issues to be addressed. We'll seek to implement that proposal, said Wright.

With that, the meeting was adjourned.