

National Fish Habitat Board meeting

February 20-21, 2008

Tampa Bay Watch, Tampa, FL

February 20, 2008

Welcome, Introductions, and Agenda
Board meeting commenced at 1:07pm.

Board Members Present:

John Cooper, Chair
Kelly Hepler, Vice-chair
Pat Murray
Bill Taylor
Mike Andrews
Matt Hogan
Bob Mahood
Krystyna Wolniakowski
Gary Myers
Gordon Robertson
Jim Balsiger

Proxies:

Gary Frazer for Dale Hall
Stan Allen for Randy Fischer
Mike Stone for Stan Moberly
Doug Austen for Ed Parker
Anne Zimmerman for Gail Kimbell
Steve Moyer for Charles Gauvin
Phil Durocher for Chris Horton
Jason Stark for Mic Isham

Board members not present and not represented:

Richard Leopold

Board Staff

Ron Regan
Christopher Estes
Susan-Marie Stedman
Tom Busiahn
Janet Cushing

Science and Data Committee Leadership

Gary Whelan
Doug Beard

No changes suggested to agenda.

Draft Minutes from October Board Meeting and November Conference Call

No changes were suggested or requested to either set of draft minutes. Bill Taylor moved to approve the board meeting minutes from Oct 2-3, 2007. Kelly Hepler seconded. The minutes were approved unanimously. Matt Hogan moved to approve the minutes from Nov 8, 2007 conference call. Bill Taylor seconded. These minutes were also approved unanimously.

Update on NFHAP Executive Order

Tom Busiahn reported that there has been no change in the status of the Executive Order (EO) since the October board meeting. Matt Hogan stated that the response from DOI to the AFWA letter of support for the EO was non-committal. Evidently, the White House is not interested in another fish-related EO. Matt, John Cooper, Ryck Lydecker and Bill Taylor will meet with DOI's Assistant Secretary for Fisheries, Wildlife, and Parks Lyle Laverty to discuss the EO on Feb 27. The upcoming change in the Administration will require starting over if an EO cannot be issued in the next few months, so hopefully it can get done soon.

Documenting Time for Grant Match

Christopher Estes advised that there is a need to identify eligible costs that can count to meet the required match for the Multi-State Conservation Grants and NFWF grants, and there is an opportunity for the Board to identify contributions. Christopher stated that Board members are being requested to maintain an ongoing record of all non federal contributions related National Fish Habitat Action Plan implementation. The documentation of the non federal funding contributions will be housed in a match bank file for Board use to leverage for future grant opportunities requiring non federal match fund documentation. Christopher handed out forms and explanatory information for expenses for personnel time, office space, travel, meals, etc. Documentation receipts are required for expenses over \$500. He will follow-up by sending electronic final versions of the draft forms and instructions circulated and reminded Board members that pay for their time and other expenses with non federal funding sources to hold on to their cost documentation for Board related activities and expenses. Volunteer time also can apply. We are also seeking information on potential non federal match contributions going back to August 1, 2005, including Core Work Group (CWG) effort. Christopher is working directly with CWG members to get the early pre Board meeting information.

Update on Letter to SFBPC

Chairman John Cooper reported that the Board received a letter from the Sport Fishing and Boating Partnership Council (SFBPC) dated Dec 21, 2007, stemming from discussions at the SFBPC meeting held in Homer, Alaska in August 2007, expressing concerns about NFHAP implementation. Chair John Cooper summarized the issues raised by the SFBPC in their letter, as well as the Board's response, sent in a letter dated February 13, 2008. Both letters were handed out to Board members. The next SFBPC meeting, to be held March 10-11 in Washington, DC, will include NFHAP on the agenda.

Welcome from Tampa Bay Watch, meeting host

Pete Clark, Executive Director for the Tampa Bay Watch, gave his welcome and a presentation on the activities of Tampa Bay Watch.

Update on Legislation

Gordon Robertson reported that the Drafting Committee followed up on the direction from the October 2007 Board meeting and produced a revised draft of the NFHAP legislation (see your reference materials). Gordon walked through the changes. There is updated economic information in the Findings section, although updated information on the value of commercial landings is still needed. The reference to “FWS Fisheries Program” was changed to “U.S. Fish and Wildlife Service” throughout the draft bill. In Section 6, “consultation” was changed to “cooperation,” and other editorial changes were made. The cost for administering grants was changed from 3% to 4%.

The Drafting Committee received a letter from the Regional Fisheries Management Councils Coordinating Committee requesting that the Councils have a dedicated seat on the Board. The Committee decided to not make this change because the legislation already specifies including representatives from commercial and recreational interests, and the National Oceanic and Atmospheric Administration is on the Executive Leadership Team and the Board, and can therefore ensure that the Councils and their interests are represented.

The new draft of the legislation has been provided to Senator Lieberman, and Senate staff is working on it. It was also noted that there seems to be more interest in the legislation from the House of Representatives than there has been previously.

Chair John Cooper thanked the Drafting Committee for their work on the legislation and stated that the Board would vote to endorse the draft legislation before the meeting is done. He asked anyone who would like pen-and-ink changes to agree on those by the next day, so the Board can hold its vote.

Kelly Hepler asked whether the mechanism for administering the proposed grant program should be discussed further, to agree on the preferred option before legislation is introduced. Chair John Cooper and Gordon Robertson stated that the question should be resolved later, preserving flexibility for now. This issue is related to the interaction of the Board with FWS on their budget and that the overall goal is that the majority of the funds should get to on-the-ground projects.

Applications for Board Recognition of FHPs

Tom Busiahn presented the recommendations of Board staff.

Staff Recommendations to the Board

1. The Board should approve the application of and recognize the Western Native Trout Initiative as an FHP.
2. The Board should defer the application for the Lower Mississippi River Conservation Committee (LMRCC).
3. The Board should defer the application for the Southwest Alaska Salmon Habitat Coalition (SWASHC).

Bob Mahood noted that he agrees with the recommendation to defer, but asked why the letter being sent to these candidates only defers their application rather than denying their

applications because they don't meet the criteria for a FHP? Staff responded that there are only two choices in the process currently—accept or defer.

Matt Hogan asked whether the revisions to the process will include a third category of “deny,” so that a wrong message is not sent to potential FHPs.

Jim Balsiger noted that there is a worrisome downside here in that if the Board just defers or denies the FHP application, then the momentum of that partnership group could be lost. Is there a possibility for some other type of recognition?

At this point, Chairman Cooper suggested that the group take its break and then tackle Tab 8 (possible changes to process), before returning to take action on the candidate FHPs.

Revised Fish Habitat Application Process

Tom Busiahn presented the Board staff recommendations on changes to process. Chair John Cooper followed up with the perspective of the NAWCA Joint Ventures. Gary Whelan provided the Science & Data Committee view, which is that FHPs need to be able to function at a large, landscape level.

The Board engaged in a discussion of numerous issues related to the formation, operation, and integration of Fish Habitat Partnerships including:

- Whether a FHP is the fish equivalent of “Joint Venture”
- Whether FHPs function as delivery units or organizing units
- Whether the Science and Data Committee could help establish the preferred boundaries for FHPs

Chair John Cooper suggested that the Board establish an ad-hoc committee to develop a white paper on these issues related to FHPs. He will send out email to everyone asking for volunteers for a working group to work for 2-3 months to come out with refined guidance on FHPs.

At this point, the Board turned back to taking action on the staff recommendations. Mike Stone advised the group that he has participated on WNTI, so he may have to recuse from himself from the voting.

Bill Taylor moved to recognize the WNTI as a Fish Habitat Partnership. Gordon Robertson seconded. The motion carried unanimously, with Mike Stone abstaining because of his involvement with WNTI.

Kelly Hepler moved to defer approval on the Southwest Alaska Salmon Habitat Coalition. Mike Stone seconded. Following this initial motion, there was a discussion about this prospective partnership. Tim Troll of The Nature Conservancy (TNC) and the Southwest Alaska Salmon Habitat Coalition explained that the Coalition knew that it didn't meet all the criteria, but TNC feels that the partnership is doing great things that Board may want to recognize. Tim replied that the Coalition is dealing with water rights. Chair John Cooper asked whether the partnership would lose anything if the decision was deferred until May. Tim Troll replied that there is urgency in the potential mining issues, and that FHP recognition gives a degree of credibility to what the Coalition is trying to do.

Bill Taylor moved to defer approval of the SWASHC as a Fish Habitat Partnership until May when the Coalition can provide requested information to Staff. Mike Stone seconded. Mike Andrews of TNC abstained from voting. The motion carried with consensus.

Kelly Hepler moved to defer approval of the LMRCC as a Fish Habitat Partnership until the application is revised to address the noted deficiencies. Bill Taylor seconded. Gary Myers

abstained from voting because of his involvement with the LMRCC. The motion carried by consensus.

The group decided to move the next agenda item, Update on Communications and Approval of Ten Waters to Watch, until the next day.

Fish Habitat Awards

Kelly Hepler moved to accept the staff/chair recommendations for:

- Exceptional Vision
- Scientific Achievement
- Outreach and Educational Achievement

Matt Hogan seconded. The motion carried unanimously.

February 21, 2008

The meeting reconvened at 8:30 a.m.

Update on Communications and Approval of 10 Waters to Watch

(This item moved from the prior day's agenda.) Ron Regan summarized the activities of the Communications Committee since the last Board meeting, including web site development and planning for the National Casting Call. A position announcement for a Communications Coordinator was posted, and selection is underway. Due to the delay in hiring the Communications Coordinator, staff will not be able to produce an annual report as previously approved by the Board. Ron also presented the draft news release on Ten Waters to Watch for Board approval.

Gary Myers moved to approve the news release and list of "10 Waters to Watch" for 2008. Bill Taylor seconded. This was followed by a discussion prompted by a question about how the "10 Waters to Watch" were selected. Staff explained that the idea is to identify projects that can tell a good story and would have appeal to the news media. The "10 Waters to Watch" are not necessarily the most important or scientifically significant aquatic habitats. Information on the results of the 2007 "10 Waters to Watch" will be available concurrently with the 2008 announcement, and should be posted on the NFHAP web site with photos. Following this discussion, the motion carried unanimously.

Implementing the Action Plan with Existing Programs

Several State and Federal partners gave presentations on how they are implementing NFHAP using existing programs.

John Iliff of the NOAA Fisheries Service, Office of Habitat Restoration, St. Petersburg, FL, gave a presentation on behalf of Miles Croom, Assistant Regional Administrator for Habitat for the Southeast Region, NOAA Fisheries. Kelly Hepler asked if it is possible for NOAA to align budget requests with FWS on complementary programs such as NOAA's Open Rivers and FWS' Fish Passage. NOAA is working to align projects with priorities of NFHAP and Fish Habitat Partnerships.

Doug Austen, Executive Director of the Pennsylvania Fish and Boat Commission gave a presentation on PA FBC's new partnership program. Doug was asked whether new resources were used by PA FBC establish this program, and he clarified that the PA FBC was able to take advantage of some existing resources coming available due to staff retirements existing resources and re-direct them.

Marilyn Lawall of the USFWS Federal Assistance Program, Atlanta, GA gave a presentation on behalf of Mike Piccirilli. Marilyn was asked whether all State Wildlife Action Plans (WAPs) include aquatic species? Marilyn clarified that they all do, but many only pay lip service to aquatic species. Climate change issues are not addressed in State WAPs at all. States will be required to update their WAPs by 2015, but States can revise their plans at any time. The Board could play a role in encouraging States to improve coverage of aquatic species in their plans, but it would need to work with AFWA and its committees on this.

Doug Norton, U.S. Environmental Protection Agency, Washington DC and Paul Zeph, Pennsylvania Department of Environmental Protection gave a presentation on their partnership with the Office of Surface Mining Reclamation & Enforcement (Fred Fox of OSMRE) could not be present) on activities to address abandoned minelands, fisheries, and impaired waters restoration

Dave Schmid, US Forest Service gave a presentation on how the FS is working to build awareness of the effects of land management on fish habitat, and to integrate programs and change performance targets to help influence land management practices in a positive way.

Legislation

Gordon Robertson, speaking on behalf of the Drafting Committee, made the following additional recommendations for changes to the draft legislation, for Board approval:

- A technical change on page 2 to include "Forest Service" in paragraph 12 and paragraph 14. Add "U.S. Forest Service" in front of state and private forestry.
- On page 9, Section 6, the Drafting Committee requested Board approval to craft a new paragraph D, which would describe the roles of the Forest Service. This would be done outside of the Board meeting and in consultation with Congressional staff. This request would not change the authorized funding amounts.

Mike Stone moved to approve the drafting committee's recommendations. Krystyna Wolniakowski seconded. The group discussed whether these changes would encourage Forest Service staff and leadership participation. The sense is that it will. If Congressional staff advises not to add the new Paragraph D, the Drafting Committee will consult with Chairman Cooper, and the language will not change from the current version. This motion carried unanimously. FWS (Frazer), NOAA (Balsiger), Forest Service (Zimmerman), Bob Mahood (SAFMC) all abstained from voting.

NFHAP "Branding"

Christopher Estes explained that the draft guidance was written because some entities have related their activities to the National Fish Habitat Initiative / Action Plan without consulting with the Board or staff or ensuring their activities were indeed consistent with the Action Plan. To ensure that these activities are consistent with NFHAP, the guidance states that any group that uses the "brand" has to consult with the Board.

The draft guidance distinguishes between grant programs that wish to align with NFHAP, and those established specifically to support NFHAP. The document does not specifically address promotional or educational activities, such as National Casting Call.

The staff is not currently recommending approval of the draft guidance, but is seeking Board direction on what should be done to finalize the guidance, including substantive comments from the Board members.

It was noted that the NFHAP logo has not been copyrighted. AFWA legal staff could help do this. Mike Andrews moved that the Board direct staff to take appropriate action to trademark the logo and the Action Plan. Gary Myers seconded. The motion carried unanimously. Matt Hogan said he would assign AFWA legal staff to help with the copyright/trademark of NFHAP brands and terms.

Board members agreed to send (e-mail) comments on the draft branding guidance to Susan-Marie Stedman by March 7. Staff will consult with the Chair and Vice-chair, and bring a revised draft to the May meeting. The time required for trademarking and possible changes in FHP guidance will affect the schedule for completing the branding guidance.

Update on Science and Data Committee activities

(This item moved up on the agenda.) Gary Whelan presented on the Science and Data Committee's accomplishments to date. These include the framework document and schedule for completion, progress on the National Fish Habitat assessment, and proposed committee roles with Board and FHPs.

The framework document is scheduled for completion by May 1, so as to be ready to be presented for approval at the next Board meeting (May 13-14). NOAA will provide an editor to help complete the Framework.

The National Habitat Assessment is currently on track to be completed on a timely basis by 2010, but there will be problems with it. The Committee is seeking to develop a framework that will result in improved assessment in 2015. A prototype assessment will be done by October 1, 2008, to include rivers in the 48 contiguous states. It remains unknown how much time and cost will be required to add Alaska and Hawaii to the assessment as well as all marine habitat in the Exclusive Economic Zone (EEZ). Many of the variables used will be surrogates for habitat condition. Longer term efforts will integrate inland and coastal systems.

The Committee cannot complete the national fish habitat assessment (covering all 50 states and the EEZ) without funding support. Funding for the Michigan State University group is in place only through October 1, 2008.

The Committee can assist in developing FHP guidelines and setting FHP boundaries, and developing a project selection process. The Committee would like further direction from the Board on what they should be doing.

Janet Cushing reported on the status of upcoming Science and Monitoring Workshop, March 4-6 in Phoenix, AZ. USGS' Sue Haseltine requested and obtained Board endorsement of the workshop at the June 2007 meeting. Goals and expected products of the workshop have been established, and were provided to the Board along with the list of invited attendees. The workshop will identify prioritized list of science and monitoring needs for NFHAP. Attendees will be experts in the four major "sectors": rivers, lakes, estuaries, and marine.

Chair John Cooper asked if it is feasible to include a climate change element within the scope of work for the 2010 assessment. Gary said that would be difficult until there is a more complete national temperature database, although, it might be possible to use a modeling

approach to estimate the missing data. That said, the Committee has its hands full to get the architecture in place for the 2010 assessment. It would be more feasible to work on it between the 2010 and 2015 assessments. Climate change may be identified as a data need at the March workshop.

Board Involvement in NFWF Grant Programs

Krystyna Wolniakowski presented on how NFWF is aligning grant programs to match NFHAP goals. Jim Sidell, the new Fish Director for NFWF, will work with Krystyna on how to integrate NFHAP goals into NFWF processes. A memo has been drafted regarding the process to get Board input on some NFWF programs (tab 12). There are 6 grants programs that relate to NFHAP (descriptions of the programs are in tab 12). The “More Fish Partnership Fund” is doing specific outreach to the angling community. The RFP includes language stating that projects that address NFHAP priorities will be given preference. The group discussed how to make sure that projects that are funded by NFWF meet NFHAP goals. As an interim agreement: “More Fish”, “Bring Back the Natives”, and the “Jackson Hole One-Fly” programs will have Board members and Board staff involved in the project review and selection for funding. There is interest in having these folks report back to the Board in the long-term on the progress of selected projects toward NFHAP goals.

Chair John Cooper reiterated that Krystyna is offering the Board to have input to some NFWF grant programs. This is significant because the Board currently doesn’t have its own grant money and this is a means for the Board to reach out and provide input on NFHAP priorities to a specific funding source. He noted a need to establish a Grants subcommittee to review projects and work with Krystyna on “NFHAP certification.”

Gary Myers moved that the Board should appoint a Projects review subcommittee to address the need to coordinate with NFWF and FWS on project proposals. Anne Zimmerman seconded. Krystyna recommended that the Committee comprise two Board members and two Board staff. The motion passed unanimously. Kelly Hepler and Bill Taylor volunteered to be the Board representatives on this subcommittee. Christopher Estes was assigned to participate on grant reviews as Board staff and other staff were also invited to participate when they have time.

Update on Request to Regional AFWAs

Chair John Cooper gave an update on the letter that was sent to the regional AFWAs requesting funding from the States to support the NFHAP Board needs (\$12,000 from each State per year for three years). He attended the Western AFWA meeting to present this request to the States. He will also attend the Midwest AFWA meeting for the same purpose, as will Ed Parker at the NE and Gary Myers at the SE. He also got a request from WAFWA for a breakdown of how the money would be spent. Ron Regan and Bob Ashworth worked with Board staff to develop detailed funding needs. The Science and Data, as well as Communications Committees each have significant funding needs to be able to accomplish their goals. Thus far, he has received a favorable response from many of the state Directors. Kelly Hepler, Krystyna Wolniakowski, and Ron Regan have been working to determine where to “bank” the money with least amount of overhead cost. NFWF would accept checks from states and act as bank manager. The States are ready to send money; they are just waiting for account to be set up. Some states have asked if they could contribute in-kind resources instead. Kelly suggested it would be very appropriate for the Board to send a letter of appreciation to NFWF for all that it has done. Chair John Cooper will draft a letter of appreciation and send around to Board asking for approval.

Board involvement in FWS NFHAP budget and partnership project

Ron Regan and Gary Frazer presented on the process for getting Board input into the FWS NFHAP funding process. Frazer started this process by drafting a chapter for their manual on what to do with NFHAP funds. The Guidance has been reviewed by the Board, compatible with branding document, and basically says the NFHAP funds will be used to implement NFHAP and support Action Plan coordination at the regional level. Of the total funding, 70% should be allocated for direct projects. FWS will seek to secure 50% cost-share from partners. To receive funding, the projects will have to be highly recommended by FHPs.

Chair John Cooper acknowledged the effort on this project. Gary Myers asked about the overhead costs. Frazer explained that overhead covers office supplies, training, annual leave, travel, and indirect costs of FWS administering a program. Kelly asked what form the process is taking. Frazer clarified that this will be a chapter in FWS' internal guidance manual. Does this mean it is at the pleasure of the FWS Director and can change with a Federal Register notice? Frazer stated that the guidance is a policy framework and may be revised without public comment. FWS has good relationship with Board.

Stone asked if this process is linked only to the funding that FWS has been providing or will it be related to the funding proposed in the draft legislation? Currently it's the former, but Chair John Cooper noted that this effort will be a good model for the future Board funding process. When the legislation is approved there will be guidance that will come with the appropriations, so the Board can revisit the process at that time. Gary Myers moved to adopt the policy guidance from FWS. The motion was seconded by Kelly Hepler. The motion carried unanimously.

Using the funding policy framework as context, Gary Frazer described the President's FY09 request for funds relevant to NFHAP. In FY08, FWS requested a \$2.1M increase, which Congress appropriated. The FY09 request was level, due to a tight budget year. Fish Passage received a \$6M increase in FY08 to \$11M. However, this increase did not carryover into FY09, so it's back down to \$5M. Partners for Fish & Wildlife got a \$1M reduction from FY08. Project Planning got a \$500K reduction in FY09. Coastal Program increased by \$1M in FY08, but lost the increase for FY09. Environmental Contaminants also could not retain its increase in FY09. Finally, Hatcheries lost an earmark, which resulted in a \$3M reduction. Most parts of the Federal budget proposal have been scaled back for FY09.

Jim Balsiger asked about funding level for NFHAP. Gary responded received that it received \$5.2M in FY08. Chair John Cooper asked when it would be the right time to starting working with FWS on the FY10 budget, to ensure the needs assessment is included. Gary replied that September 2007 would have been the right time. Fall of 2008 is the best time to start to look at the budget for FY11. Matt Hogan asked for more information regarding the reduction in funding for Fish Passage. Gary responded that management at various levels determines funding priorities within the bureau, agency, and department

Ron Regan reviewed for the Board the document Bob Ashworth of FWS prepared for FWS NFHAP funds. There is a table that lays out a timeline for FWS funding. Ultimately, there would be a working group composed of Board and FWS members to review projects. Mike Stone asked whether projects can be entered into the Fisheries Operational Needs System (FONS) at any time? Tom Busiahn replied that yes, they can. Matt Hogan moved to approve the document that Ron developed to describe Board input into allocation process. Stan Allen seconded. The motion carried unanimously. Matt asked Chair John Cooper for the Board's

concurrence to send thanks to Dale Hall for the outstanding job that Bob Ashworth did on detail. Chair John Cooper said he will prepare a formal letter.

Board review of FWS 2008 NFHAP projects

Gary Frazer explained the process that was used for reviewing applications for '08 FWS NFHAP funding. There has been an increase of \$10K in funds transferred to AFWA to support the Board, so there is now \$135K for projects. FWS worked with the FHPs to identify and rank the proposed projects. The projects were entered into FONS and provided to the DC office on January 15. On February 12 a joint project review team looked at the projects. The resulting recommendations are being provided to the FWS Director and the Board at the same time. The FWS concurred with the recommendations.

Bob Mahood asked about how projects are selected. Each FHP has their own process, but they talk to one another so they are probably similar. They do look at cost-effectiveness, and can go back to applicants for alternate funding scenarios.

Stan Allen suggested that a really good tracking system is needed to capture funds that don't get used and so they can be redirected to new projects. Tom clarified that the FWS Regional Directors can re-direct funds if a project is not feasible due to permitting issues, etc. and FONS does have tracking requirements.

Kelly pointed out that none of the recommended projects address interim strategy #1 ("Identify and protect intact and healthy waters") or #2 ("Restore natural variability in river and stream flows and water surface elevations in natural lakes and reservoirs"). He suggested that funds that are to going to "Demonstration Projects" (Candidate FHP support) could be used instead to solicit proposals for these interim strategies. Gary Frazer warned that this could risk losing the funds because it would take time to get more proposals. Kelly responded that if the requests were targeted to the FHPs, that could happen quickly enough to not lose the funds.

Gary Myers moved to accept the review team's recommendations for project funding. Mike Stone seconded.

Bill Taylor moved that the Board endorse the recommendation to establish a workgroup that would develop a national template FHPs could use to rank proposals. Kelly Hepler seconded. The motion carried unanimously.

Mike Stone asked for clarification that the template is a tool that COULD be used by FHPs but would not be a requirement? Ron Regan responded that was correct because the group didn't want to dictate how the FHPs do business. Gary Frazer pointed out that FWS needs to be accountable for how this money is spent, and putting out a template is a gentle way to ask the FHPs to be accountable. Chair John Cooper suggested that this template might also be helpful to NFWF. Krystyna Wolniakowski agreed.

The meeting adjourned at 4:19.