

JULY 17, 1996 (Draft)

FISH PASSAGE O&M COORDINATION TEAM (FPOM)

CHARTER

PURPOSE OF CHARTER

This charter provides the guidelines this team will use to accomplish its stated purpose. It is recognized by all members that change is occurring and will continue to occur. Therefore, it is further recognized that this charter is a dynamic document subject to modification, accomplished according to the Decision Making Process below.

GROUP NAME

Fish Passage O&M Coordination Team (FPOM)

AREA OF CONCERN

For deliberations of the FPOM, the area of concern encompasses the Corps of Engineers (COE) four lower mainstem Columbia River Projects and the four lower mainstem Snake River Projects.

FPOM PURPOSE

The FPOM efforts shall be conducted in a manner that will provide a forum for Regional coordination, gathering information and development of recommendations on the operation, maintenance and construction procedures or activities which may affect fish passage through the eight covered COE projects. Conclusions reached at the meetings are not considered official positions until written confirmation is received from appropriate agencies. *The COE retains the right to make final decisions on any actions that are not likely to affect Endangered Species Act (ESA) listed stocks.*

MEETINGS

The FPOM shall meet at the call of a Co-Chairperson or at least quarterly. The designated Co-Chairperson shall distribute a meeting announcement to those on the FPOM mailing list no later than ten working days prior to a meeting. The designated Co-Chairperson shall distribute a draft agenda and documents to be considered at that meeting to those on the FPOM mailing list no later than 5 working days prior to a scheduled meeting.

MEMBERSHIP

Cooperating Parties - The following entities are designated as cooperating parties for the purposes of fish passage by the eight covered projects.

Bonneville Power Administration (BPA)
Columbia River Inter Tribal Fish Commission (CRITFC)
Fish Passage Center (FPC)
Idaho Department of Fish and Game (IDFG)
Columbia Basin Indian Tribes
National Marine Fisheries Service (NMFS)
Northwest Power Planning Council (NWPPC)
Oregon Department of Fish and Wildlife (ODFW)
U.S. Army Corps of Engineers - North Pacific Division (CENPD)
U.S. Army Corps of Engineers - Portland District (CENPP)
U.S. Army Corps of Engineers - Walla Walla District (CENPW)
U.S. Fish and Wildlife Service (USFWS)
Washington Department of Fish and Wildlife (WDFW)

Cooperator Representation - A representative and an alternate shall be appointed to the FPOM by each cooperating party. Representation is encouraged to include personnel experienced with or knowledgeable about the Columbia River projects and associated fish facilities. This familiarity should be at a level enabling the participant to effectively participate in the development of recommendations regarding operations, maintenance, and construction activities of the eight covered projects.

AUTHORITIES

The FPOM exists to assist the COE in complying with the following:

- (1) Endangered Species Act;
- (2) Clean Water Act
- (3) Fish and Wildlife Coordination Act;
- (4) Pacific Northwest Electric Power Planning and Conservation Act;
- (5) Flood Control Act of May 17, 1950 (House Document 531);
- (6) National Environmental Policy Act (NEPA);
- (7) 1855 Treaty rights of signatory Native American tribes affected by the COE dams;
- (8) Other Native American rights protected by statute and/or the Federal Trust Responsibility and affected by the COE dams; and
- (9) Other applicable federal laws, treaties, and interstate compacts related to the operation & maintenance of COE dams on the Columbia River & tributaries.

OFFICERS AND TERMS OF OFFICE

Co-Chairpersons - The two COE District's representatives shall serve as Co-Chairpersons. Each Co-Chairperson shall, on an annual rotational basis (Jan. - Dec.), have the responsibility to prepare agendas, announce meetings and officiate at meetings.

During 1996 Portland District shall have this responsibility. The other Co-Chairperson shall have the responsibility of preparing and distributing the meeting reports.

FPOM DECISION-MAKING PROCESS

When FPOM decisions are necessary, consensus will be employed in developing recommendations. Consensus is defined as the unanimity of opinion of all authorized representatives present at a duly scheduled formal meeting. Each cooperating party shall have a single voice in the decision process. Where consensus can not be reached members present will be polled for their respective position. The meeting minutes will contain a summary of each member's position that adequately represents their individual position and view. In such a situation, when an action is necessary, the action agency will determine the appropriate position and make it known as soon as possible and in writing to all members. Conclusions or recommendations reached at the meetings are not considered official positions until written confirmation is received from appropriate agencies.

Issues that occur between meeting dates that require an immediate decision will be handled on a case by case basis. The member(s) involved with the issue will determine the appropriate decision making process for that particular issue. The member(s) will inform the full committee at the earliest possible convenient time and obtain membership feedback to evaluate that decision for future reference.

DISPUTE RESOLUTION PROCESS

Any technical dispute, not requiring an immediate decision, arising from FPOM that does not affect ESA-listed species will be referred to the respective COE District Fish Passage Managers for discussion. The disputing parties shall:

- a. Provide written copies describing the dispute, including a recommended resolution to the problem.
- b. Request a meeting with the respective District Fish Passage Managers be convened to review the dispute and proposed resolution. Written information developed under paragraph a. above will be provided to the respective District Fish Passage Managers for review at least one week in advance of the scheduled meeting date.

The respective District Fish Passage Managers shall consider the dispute and proposed solution and recommend an action to the District Engineer based on input from all members. In addition, disputes may be discussed in other Regional forums as deemed appropriate for the issue by FPOM members. The respective District Engineer shall make the final decision that will give full consideration to all input.

Any technical dispute, not requiring an immediate decision, arising from FPOM that may affect ESA-listed species will be referred to the System Configuration Team (SCT) for

discussion. Some of these issues may also require ESA consultation with NMFS. The disputing parties shall:

a. Provide written copies describing the dispute, including a recommended resolution to the problem.

b. Request a discussion at the next SCT meeting to review the dispute and proposed resolution. Written information developed under paragraph a. above will be provided to all SCT members for review at least one week in advance of the scheduled meeting date.

The SCT shall consider the dispute and proposed solution and recommend an action based upon input from all members. In addition, disputes may be discussed in other Regional forums as deemed appropriate for the issue by FPOM members. The SCT will give full consideration to all input in making a decision.

TASK-ORIENTED WORK GROUPS

Task-oriented work groups may be appointed by the designated Co-Chairperson. All such working groups cease to exist at the end of the calendar year unless re-appointed. Work groups should keep up-to-date internal working records. Reports will be submitted by the work groups as agreed by FPOM. Work groups shall submit written reports upon completion of assignments.

ADVISORS

Advisors (subject matter technical experts) may be called upon for indefinite terms as required to enhance work progress.

REPORTS

The designated Co-Chairperson is responsible for the preparation and submission of minutes of all FPOM meetings for review by the membership present at that subject meeting not more than ten working days following the meeting. Upon receipt of the draft minutes, the members shall have ten working days to provide comments back to the designated Co-Chairperson. At the conclusion of the review period, the minutes will become final. Members not submitting comments will be viewed as agreeing with the minutes. Disputes on the notes would be resolved at the next meeting. Copies of all documents will be provided to designated agency participants and anyone else indicating a desire to receive a specific document..

LIAISON

The Co-Chairpersons are responsible for maintaining effective liaison and open lines of communication between the FPOM and other fisheries program activities that may affect

or be affected by the operation, maintenance and construction on the eight covered COE projects. The CENPD representative(s) will provide that communication within NPD.