

FISH PASSAGE OPERATION & MAINTENANCE COORDINATION TEAM (FPOM)

GUIDELINES INTRODUCTION

These FPOM guidelines will be used to accomplish the stated FPOM purpose. It is recognized by all sovereign representatives (representatives) that change is occurring and will continue to occur. Therefore, it is further recognized that this document is dynamic and subject to modification and will be accomplished according to the collaboration process outlined 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 (McNary (MCN), John Day (JDA), The Dalles (TDA), and Bonneville (BON)), the four lower Snake River Projects (Lower Granite (LWG), Little Goose (LGS), Lower Monumental (LMN), and Ice Harbor (IHR)), and Dworshak (DWR). Other COE projects may be discussed as necessary.

FPOM PURPOSE

The FPOM efforts shall be conducted in a manner that is consistent with the Regional Implementation Oversight Group (RIOG) process by providing a technical regional sovereign forum for gathering information, and development of recommendations on the operation, maintenance, and construction procedures or activities, which may affect fish passage at COE projects. The RIOG is a forum for interagency coordination and does not supplant existing federal, state or tribal decision making authorities. Representatives positions expressed during FPOM coordination will be considered the official position of that sovereign. All decisions under the authority of the federal government will continue to be made by the appropriate federal agency with the statutory authority to make such decisions. As the federal agency with the responsibility and statutory authority to make decisions on actions recommended by FPOM, the COE will make all final decisions after consideration of FPOM representatives' positions and consensus FPOM recommendations.

MEETINGS

The FPOM shall meet the second Thursday of each month unless otherwise coordinated with FPOM representatives. The designated Co-Chairperson, or representative designated by the Co-Chairperson, shall distribute a draft agenda and documents to be considered at that meeting to those on the FPOM e-mail list at least a day prior to a regularly scheduled meeting.

MEMBERSHIP

Sovereign Participants - The following entities are designated as representatives for the FPOM:

Bonneville Power Administration (BPA)

Confederated Tribes of the Colville Reservation (CTCR)
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
Confederated Tribes of the Warm Springs (CTWS)
Confederated Tribes and Bands of the Yakama Nation (YN)
Idaho Department of Fish and Game (IDFG)
National Marine Fisheries Service (NMFS)
Nez Perce Tribe (NPT)
Oregon Department of Fish and Wildlife (ODFW)
U.S. Army Corps of Engineers- Northwestern Division (NWD)
U.S. Army Corps of Engineers- Portland District (NWP)
U.S. Army Corps of Engineers- Walla Walla District (NWW)
U.S. Fish and Wildlife Service (USFWS)
Washington Department of Fish and Wildlife (WDFW)

Representation – To assist in adequate representation by participating sovereigns, each sovereign is encouraged to appoint a representative and an alternate to the FPOM. Representatives are encouraged to include personnel experienced with or knowledgeable about the Columbia River projects and associated fish facilities to effectively support the sovereign entity they are representing in the development of recommendations regarding operations, maintenance, and construction activities of the covered projects.

Participation - Attendance at FPOM meetings by representatives and alternates is encouraged in order to receive their input and ensure actions under consideration can be reviewed and recommendations made in a timely manner. Absence from a meeting (without providing FPOM co-chair with the sovereign's position on a matter prior to a meeting), may mean that the sovereign's input and position may not be presented when FPOM recommendations are made and the Corps makes a decision on matters that are imminent. Written input received within two weeks of distribution of meeting minutes will be added to the memorandum of coordination but may not be timely for consideration on the specific action implemented. Sovereign participants can remove themselves from the FPOM forum by doing so in writing.

OFFICERS AND TERMS OF OFFICE

Co-Chairpersons- The two COE District representatives (one from NWP and one from NWW) shall serve as Co-Chairpersons. Each Co-Chairperson shall have the responsibility to prepare agendas, announce meetings and officiate at meetings. This responsibility may be rotated annually or as needed. Until further notice, NWP shall prepare meeting minutes and maintain the FPOM website.

FPOM RECOMMENDATION-MAKING PROCESS

The FPOM coordination process shall follow guidance found in Overview Chapter of the annual Fish Passage Plan (FPP), Section 3.3. When FPOM recommendations are necessary, the goal will be developing consensus among the representatives. Consensus is defined as seeking unanimity of opinion (or no objection) of all representatives present at a duly scheduled formal meeting or other FPOM coordination. If coordination is undertaken via email between meetings, consensus will be among those submitting written comments within the requested timeframe. Each sovereign representative shall have a single voice in the recommendation making process. Where consensus cannot be reached, cooperating parties present will be polled for their respective position. The meeting minutes will contain a summary of

each representative's position that adequately characterizes their sovereign entity's position. In such a situation, when an action is necessary, the COE will determine the appropriate position and make it known as soon as possible, and in writing, to all representatives. Conclusions or recommendations reached at the meetings, or through other authorized coordination, are considered official positions, as more specifically outlined in the FPP.

The Official Memorandum of Coordination Form will be used when seeking FPOM coordination on operations, maintenance, or construction activities that are not covered by the current FPP. The official Memorandum For Record form will be used for informing FPOM of an incident that has already occurred.

DISPUTE RESOLUTION PROCESS

Any technical dispute not requiring an immediate decision from the COE, arising from FPOM will be referred to the Regional Implementation Oversight Group (RIOG) for discussion. Elevation of an issue to RIOG will necessitate development of a white paper laying out each individual position for the particular issue. Some issues may also require ESA consultation with the agency with jurisdiction, i.e. NMFS Fisheries and/or the USFWS. The disputing parties shall:

- a. Provide written copies describing the dispute (white paper), including a recommended resolution to the problem.

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

The RIOG shall consider the dispute, proposed solution, and recommendation. In addition, disputes may be discussed in other Regional forums as deemed appropriate by FPOM representatives. The RIOG will give full consideration to all input in making a recommendation to the federal agency with the responsibility for the decision.

TASK-ORIENTED TASK GROUPS

FPOM occasionally has subgroups to explore and vet in greater detail a specific issue. These task groups may be appointed by the designated Co-Chairperson as necessary. Task groups should keep up-to-date internal working records. Recommendation reports will be submitted by the subgroup lead as agreed by FPOM. Task groups shall be dissolved after their work is complete.

REPORTS

The designated Co-Chairperson is responsible for the preparation and submission of minutes of all FPOM meetings, for review by the representatives present at that subject meeting, not more than ten working days following the meeting. Upon receipt of the draft minutes, the representatives shall have at least ten working days to provide comments back to the designated Co-Chairperson. The minutes become final at the following FPOM meeting. Representatives not submitting comments will be viewed as abstaining. Disputes on the notes would be resolved at the next meeting. Copies of all documents will be provided to designated agency participants and made available on our public FPOM website.

Findings from the task groups shall be disseminated similar to monthly meeting minutes.

LIAISON

The Co-Chairpersons are responsible for maintaining effective liaison and open lines of communication between the FPOM representatives and other fisheries program activities that may affect or be affected by the operation, maintenance, and construction on the applicable COE projects.