

**CHARTER
OF THE
COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY'S
FISH PASSAGE ADVISORY COMMITTEE**

July 23, 2003

BACKGROUND

This charter is for a Fish Passage Advisory Committee (FPAC) established under the Columbia Basin Fish and Wildlife Authority (Authority). The intent of the charter is to integrate into a single committee the functions of the FPAC created under the July 7, 1986 agency/tribal MOU, and the functions of the fisheries agencies' Anadromous Fish Passage Committee formerly operating under a February 22, 1984 charter.

PURPOSE

The primary purpose of FPAC shall be:

- to serve as a technical forum for Authority Members to exchange, review and analyze fish passage and other life history needs, river operations and related information;
- to serve as a technical resource for Members on hydrosystem operations, fish passage facilities and river conditions;
- to serve as the technical liaison between Members and the Fish Passage Center on all hydrosystem operations, fish passage and other life history issues;
- to develop coordinated technical and related decision analyses for in-season and long-term fish related hydrosystem operations for consideration by the Members; and
- to provide coordinated in-season fish passage information and analyses to assist the Members, and water management forum entities in making hydrosystem management decisions.

OFFICERS

Selection – The officers of the FPAC shall be a Chairperson and Vice Chairperson. By August 1 of each year, officers shall be selected from a list of FPAC participants (term begins October 1st). Representation shall alternate every other year between state/federal agencies, and Member tribes.

Duties

1. The Chairperson shall –
 - a) preside at all meetings of the FPAC;
 - b) assure that all instructions and statements of the FPAC are properly executed;
 - c) sign written statements requiring official signature as determined by the FPAC;

- d) with the assistance of CBFWA staff, prepare a written agenda prior to each meeting with copies sent to each designee, the Members Management Group (MMG), Executive Director, and any interested parties no later than one week prior to each meeting when such notice is feasible; and
 - e) with the assistance of CBFWA staff, distribute the action notes agreed to at each meeting to each designee, MMG, each committee, Executive Director, and interested parties who have made a request to attend a specified committee proceeding no later than two weeks after the meeting.
2. The Vice Chairperson shall –
 - a) be vested with all the powers and perform all the duties of the Chairperson in the absence or disability of the latter.
 - b) be Chairperson-designate and takes the chair when it becomes vacant at the end of the Chair’s term or if it becomes unexpectedly vacant during mid-term.
 3. The Chairperson or Vice Chairperson or a person designated by the Chairperson or Vice Chairperson shall attend all MMG and Authority Members meetings as necessary.

SPECIFIC OBJECTIVES AND DUTIES

1. The FPAC members shall review proposals for studying and analyzing the impacts of operations and structures on passage and survival of resident and anadromous fish in the Columbia Basin, on a project-by-project basis as well as a systemwide basis. This includes evaluation of their technical feasibility and probability of success, and whether or not completed studies will produce expected results.
2. The FPAC shall review the results of those studies, evaluating their importance and relevance to management decisions and programs and whether the results are applied appropriately.
3. The FPAC shall, with the assistance of the Fish Passage Center, develop major reports, plans, and analyses that frame and support Authority recommendations concerning fish passage and river operations to increase fish survival and productivity.
4. The FPAC shall respond to technical questions referred to it by the Anadromous and Resident Fish Committees.
5. The FPAC shall develop work products and documentation that relate to performance standard evaluation as required by federal agencies’ biological opinions, (i.e., systemwide survival assessments).
6. The FPAC shall develop consensus Biological Assessments of proposed in-season modifications to operations or study designs. The assessments shall:
 - a) describe the anticipated biological effect before and after the proposed actions; and/or
 - b) describe of the full range of uncertainty around the anticipated biological effects; and
 - c) serve as record documenting impacts to anadromous and resident fish populations by the proposed modifications.

7. To the extent possible, the FPAC shall develop consensus in-season System Operations Recommendations (SORs) based on the Biological Assessments and/or assessments of impacts to non-listed fish. SORs, developed by FPAC, will indicate the designated representatives support the recommendation. Prior to developing an SOR that will draft upriver reservoirs (i.e., Hungry Horse, Libby, Grand Coulee, Dworshak), the FPAC shall inform the potentially affected Members of the upcoming action. If FPAC cannot reach consensus on a SOR, individual Members may develop and submit a SOR to the hydrosystem operators on their own behalf. Minority opinions on any SOR shall be clearly stated on the SOR if requested by the minority party.
8. In their workings, FPAC members shall be guided by the following protocols:
 - a) empirical data is preferred, when available;
 - b) assessments should compare and evaluate relative risks to fish populations; and
 - c) the fundamental measure of performance is survival, viability, and productivity.
9. The FPAC shall coordinate preparation of written technical and related policy analyses, as assigned by the Members, which:
 - a) account for applicable available information including research results;
 - b) address practicable alternatives; and
 - c) account for risk and uncertainty.
10. The FPAC, in consultation with the Fish Passage Center, shall advise the Members of significant fish passage issues requiring Members deliberation.

ORGANIZATION AND PROCEDURES

1. The FPAC shall be composed of qualified representatives including alternates designated by each Member. A quorum of designated representatives is desirable but not essential to conducting committee business. Proxy participation is permitted at FPAC meetings. Proxies must be in writing. All costs involved in FPAC participation are the responsibility of each member unless otherwise provided.
2. The FPAC shall use Roberts Rules of Order to govern business at all meetings and to guide the actions of the FPAC.
3. The FPAC shall try to reach consensus on recommendations, however, if consensus is not achieved, FPAC may submit assenting and dissenting positions to the Chair of the MMG. Substantive differences not resolved by the MMG shall be forwarded to the Members. Each committee recommendation will include a list of the designated representatives who participated. A designated representative may abstain or be absent from the consensus process without it becoming an endorsement or a dissenting opinion. The Executive Director will designate a staff coordinator, with the advice and consent of the Members, to facilitate the FPAC meetings without having a vote. The staff coordinators shall facilitate FPAC meetings but not be a part of the decision process. The coordinator will be responsible for the distribution of agendas, reports, etc., as well as meeting arrangements.

4. The FPAC meetings shall be open to the public and provide an opportunity for limited public comment. Public attendance does not imply involvement in committee actions on recommendations. When possible, agendas will be distributed one week prior to the meetings to committee representatives and other interested parties who have made a request to attend a specified committee proceeding. If meetings are called on a shorter notice every effort will be made to inform members and interested parties by fax or telephone. Closed meetings (executive sessions) may be called as necessary to discuss sensitive issues with final action to take place in open session.
5. The Members agree to release upon request any information provided to them by the FPAC or FPC staff person that is cited by a Member agency or tribe as the basis for an operational action or otherwise cited as support for a public recommendation. Authority representation on regional technical work groups that deal with fish passage will be designated representatives of the FPAC, with the following provisions:
 - a) designated representatives will carry Authority decisions on FPAC recommendations to the technical work groups;
 - b) designated representatives will seek support as needed from other staff as determined through discussion by the FPAC; and
 - c) designated representatives will represent and report to the FPAC.
6. Policy related and other FPAC recommendations requiring Members consideration shall be forwarded to the Executive Director to be placed on the Members consent calendar.
7. FPAC meetings normally will be scheduled for the third Tuesday of the month. If the agenda requires a two day meeting, the second day normally will be scheduled on the following Wednesday.
8. The FPAC staff coordinator or a committee member designated by the staff coordinator shall attend Members Management Group and Members meetings.

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