

CHARTER OF THE COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

**Adopted January 14, 1987
Revised March 14, 2012**

PART I – PREAMBLE

Twenty federal and state agencies and Indian tribes manage fish and wildlife resources in the United States portion of the Columbia River Basin. These agencies and tribes are:

Burns-Paiute Tribe
Coeur d’Alene Tribe
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian
Reservation
Idaho Department of Fish and Game
Kalispel Tribe of Indians
Kootenai Tribe of Idaho
Montana Fish, Wildlife & Parks
National Marine Fisheries Service
Nez Perce Tribe
Oregon Department of Fish and Wildlife
Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
Shoshone-Paiute Tribes of the Duck Valley Reservation
Spokane Tribe of Indians
U.S. Fish and Wildlife Service
Washington Department of Fish and Wildlife
Confederated Tribes and Bands of the Yakama Nation

Most of the agencies and tribes have management authority over a discrete geographic area of the Columbia Basin that is defined by political boundaries. Coordination of management activities is important because no single agency or tribe has authority over habitat necessary for all phases of the life history of a species or over all species within a particular ecosystem. The fish and wildlife managers are committed to coordinate their management activities.

The Columbia Basin Fish and Wildlife Authority (Authority) was established in 1987 as an informal collaborative for the region's fish and wildlife managers. The managers established the Authority to coordinate the efforts of its Members to protect and enhance fish and wildlife resources of the Columbia River Basin through joint planning and action. The Authority provides a forum to facilitate the exchange of information among Members on matters affecting anadromous fish, resident fish, and wildlife resources and their habitat in the Columbia River Basin for informed, coordinated decisions and joint actions by the Members and more effective review of other uses of the Basin in relation to fish and wildlife. The Authority is a consensus-based organization. The Members pledge to cooperate in good faith to participate in the consensus process.

Over the past several years, the fish and wildlife management landscape has changed within the Columbia River Basin, resulting in losses and gains in CBFWA Membership. While the intent of CBFWA is to support the broadest representation of the fish and wildlife managers as possible, changing times create changing priorities for individual managers. The CBFWA Members are committed to being informed on activities that affect fish and wildlife in the Columbia River Basin and communicating with their co-managers and other decision makers within the Basin on a regular basis.

PART II – PURPOSE

Through this Charter, the Authority is established as an association of federal fish and wildlife agencies and Indian tribes (Members). The purposes of the Authority are:

(A) to assure comprehensive and effective planning and implementation of fish and wildlife programs in the Columbia River Basin, ongoing or proposed, consistent with requirements of applicable law; and

(B) to facilitate discussion among fish and wildlife managers in an effort to find consensus, to improve the quality of fish and wildlife decision-making, and to influence other regional decision-makers.

PART III – OBJECTIVES

Section 301 – Fish and Wildlife Management Coordination

The Authority shall:

(A) Coordinate interagency activities of the Columbia River Basin between Member federal fish and wildlife management agencies and Indian tribes and/or their tribal coordinating entity(s);

(B) Be informed of activities affecting fish and wildlife in the Columbia River Basin;

(C) Develop appropriate comments on products and processes affecting fish and wildlife in the Columbia River Basin;

(D) Participate in meetings and processes that affect fish and wildlife in the Columbia River Basin;

(E) Encourage effective communication with and involvement of stakeholders in natural resource decision processes in the Columbia Basin; and

(F) Analyze and facilitate consensus responses where appropriate to proposed state and federal legislation related to fish and wildlife habitat issues.

Section 302 - Columbia Basin Fish and Wildlife Program Coordination

The Authority shall:

(A) Provide a centralized, regional entity for coordinating the Members' role in the direction, design and implementation of the Northwest Power and Conservation Council's Fish and Wildlife Program.

(B) Provide policy and technical analysis related to the development of measures concerning fish and wildlife and hydropower relationships..

PART IV - PARTICIPATION

Section 401 - Authority of Members Preserved

(A) Membership in the Authority is based upon the authorities contained in the treaties, statutes, executive orders, and other legal responsibilities of the parties to oversee protection, mitigation, and enhancement of resident fish, wildlife, and anadromous fish.

(B) Neither this Charter nor the operation of the Authority will alter the individual responsibilities and authorities of the parties.

Section 402 - Membership

(A) Eligibility -- The proposed entity must be an agency or tribe with fish and wildlife management responsibilities within the geographic boundaries of the Columbia Basin.

(B) Member Organizations -- In order to recognize the needs and authorities of the variety of entities involved in fish and wildlife issues in the Columbia Basin; Authority Membership shall include the following entities upon official execution of this Charter:

Burns-Paiute Tribe

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation of Oregon

Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation

Kootenai Tribe of Idaho

National Marine Fisheries Service

Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho

Shoshone-Paiute Tribes of the Duck Valley Reservation

U.S. Fish and Wildlife Service

Confederated Tribes and Bands of the Yakama Nation

(C) Tribal Organizations -- For purposes of Sections 404(B)(2), and 404(D)(5):

(1) “Columbia River Inter-Tribal Fish Commission” includes the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, and the Confederated Tribes and Bands of the Yakama Nation; and

(2) “Upper Snake River Tribes” includes the Burns Paiute Tribe, the Shoshone Paiute Tribes, the Shoshone-Bannock Tribes, and the Fort McDermitt Paiute-Shoshone Tribes.

(3) “Upper Columbia River United Tribes” includes the Kootenai Tribe of Idaho, the Coeur d’Alene Tribe, the Kalispel Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Spokane Tribe of the Spokane Reservation, Washington.

(D) Members Representation -- Only federal agency regional directors and chairmen of tribal governing bodies, or duly authorized representatives of such directors or chairmen, may serve on the Authority.

Section 403 – Officers

(A) Selection -- The officers of the Authority shall be a Chairperson and Vice Chairperson. By December 15 of each year, officers shall be selected from a list of Members.

Selection of a vice-chair shall alternate every year between a tribe of the USRT, a federal agency, a tribe of the CRITFC, and a tribe of the UCUT, as determined by their respective membership, on a four year cycle. The vice-chair shall proceed to chair each year.

(B) Duties --

(1) The Chairperson shall:

(a) preside at all meetings of the Authority;

(b) assure that all instructions and statements of the Authority are properly executed;

(c) supervise the Director;

(d) sign those contracts or written statements requiring official signature as determined by the Authority; and

(e) assure distribution of meeting agendas and minutes.

(2) The Vice Chairperson shall be vested with all the powers and perform all the duties of the Chairperson in the absence or disability of the latter. The Vice Chairperson is Chairperson-designate and takes the chair when it is vacant.

Section 404 - Rules of Procedure

(A) Procedural Guidelines --

(1) Members shall provide overall policy directions, through consensus actions, to the Director and the Members Advisory Group.

(2) Members shall establish operating guidelines for ad-hoc committees when they are established as defined in the Appendix.

(B) Members Meetings --

(1) The full Authority shall meet at least annually in or before December of each year to approve the Annual Work Plan and appoint officers.

(2) A Members Meeting quorum shall consist of at least 50% of the Membership and:

(a) one Federal Agency Authority Member;

(b) two Tribal Authority Members, one each who is a member of the Columbia River Inter-Tribal Fish Commission and the Upper Snake River Tribes, and

(c) one who is either a member of the Kootenai Tribe of Idaho or additional Tribal Authority Member.

(3) All Members meetings shall include time for public comment.

(4) Closed meetings (executive sessions) may be called as necessary to discuss sensitive issues with final action to take place in open session.

(5) Proxy participation is permitted at Members meetings, except for purposes of establishing a quorum under this section. Proxies must be in writing.

(6) The Chair of the Authority may call for a special Members meeting to address issues requiring expedited resolution in advance of the next regularly scheduled Members meeting. Such a special meeting may be by telephone conference call. Notice of such a special meeting shall be provided to Members no later than 10 business days prior to the meeting.

(C) Rules of Order --

The Members shall adopt rules of order to govern business at all meetings and to guide the actions of the Authority.

(D) Consensus Decision Making --

(1) The Director shall circulate a draft consent agenda for each Members meeting no later than 10 business days prior to the meeting. The Director shall place any item on the consent agenda when directed to do so by the Chair or at the request of any Member.

(2) Any member must object in writing to an item on a properly circulated consent agenda. A written objection to consensus on a consent agenda item must contain the reasons for the objection. An objection need not be in writing if the consent agenda is circulated less than 10 business days prior to a meeting. An objection received by the Director regarding an item for which consent approval is requested shall be considered an objection to consensus on that item, and the item shall be removed from the consent agenda.

(3) At the request of any Member, the Director may place an item for which consensus was not achieved on the regular business agenda for a subsequent Members or Members Advisory Group meeting.

(4) A Member must be physically present or represented at a Members or Members Advisory Group meeting to object to consensus on a business agenda item if the item previously was removed from the consent agenda but was placed on the regular business agenda for a subsequent Members or Members Advisory Group meeting.

(5) Following coordination on all issues, consensus positions will be sought before Members actions are communicated under Authority letterhead. When consensus is not attained on an issue requiring external communication, and on a motion approved by a majority of the participating Members, Authority letterhead will be used to advise whomever it may concern that consensus was attempted and to set forth the differing positions of the Members, provided that the motion is supported by:

(a) one Federal Agency Authority Member;

(b) two Tribal Authority Members, one each who is a member of the Columbia River Inter-Tribal Fish Commission and the Upper Snake River Tribes; and,

(c) one who is either a member of the Kootenai Tribe of Idaho or additional Tribal Authority Member.

(6) Any Member may abstain or be absent from the consensus process without it becoming a dissenting opinion.

(7) A Member who chooses not to participate in the consensus process shall be deemed to have abstained from the decision-making process.

(E) Dispute Resolution --

(1) If consensus cannot be achieved, any remaining unresolved differences shall be raised by the Members Advisory Group to the Members for resolution.

(2) The form of referral by the Members Advisory Group to the Members shall be determined by the need for timely resolution of the issue. Issues requiring expedited resolution shall be referred via conference call, or special meeting as determined by the Chair of the Authority. Other issues shall be placed on the agenda for consideration at the next Members meeting.

(F) Funding --

(1) Bonneville Power Administration funding will be the primary source used to carry out Authority activities described in Part III - Objectives. Annual membership fees of \$750 shall be paid by each Member and are nonrefundable.

(2) The Columbia Basin Fish and Wildlife Foundation (CBFWF or Foundation), established by the Members in October 1993 as a non-profit corporation under Oregon Law and a tax-exempt organization under section 501(C)(3) of the Internal Revenue Code, will serve the contractual and fiscal functions of the Authority.

(3) The Foundation staff shall prepare for review and approval by the Members an Annual Work Plan and budget that identify sources and amounts of funds to implement Authority activities.

Section 405 – Charter Amendments

This Charter may be amended by consensus of the Members.

Section 406 – Withdrawal by Members

Any Member may withdraw from the Authority by written notification to all of the Members. The effective date of the withdrawal, unless rescinded, will be 30 days from the date of receipt of the notification letter by the Director, unless otherwise specified within the withdrawal letter.

Section 407 – Admission of New Members

(A) Application Process --

(1) The interested entity must meet the eligibility requirement referenced in Section 402(A).

(2) The applicant must submit a written request for admission that clearly explains how the entity meets the eligibility requirement. The application letter must be received at least 60 days prior to an annual Members meeting. Applications will only be considered at a scheduled Members' meeting.

(B) Members Decision Process --

(1) The application letter and any corresponding materials will initially be reviewed by the Members Advisory Group at the first regularly scheduled monthly meeting following receipt of the letter.

(2) If it is determined further information is needed, the Members Advisory Group may request that information from the applying entity.

(3) When it is determined by the Members Advisory Group the application is complete, the application will be forwarded to the Members for their consideration at the next regularly scheduled Members Meeting.

(4) The Members will review the request and will take action to deny, grant admission, or table the application. If there are objections to the application, they must be explained.

(5) The applicant will be notified of the Members' action within ten business days of the date of the meeting.

PART V – ADMINISTRATION

Section 501 – Members Advisory Group

(A) Established -- There is hereby established a Members Advisory Group to assist the Director in carrying out the regular business of the Authority.

(B) Membership -- Members of the Members Advisory Group shall consist of senior managers active in Columbia Basin management, each appointed by an Authority Member if such Member chooses to have representation.

(C) Guidelines -- The Members Advisory Group will operate under the following guidelines:

(1) Implement the policy directives as prescribed by the Members in their annual work plan.

- (2) Assist the Director in carrying out the policies and goals of the Authority;
- (3) Be issue oriented and consider both proactive and reactive issues;
- (4) Only consider and recommend policy positions to the Members;
- (5) Recommend decisions to the Members when policy guidelines are unclear;
- (6) Recommend agenda issues and develop consent calendars for the Members actions;
- (7) Consider issues brought up by any one of the Members Advisory Group members;
- (8) Schedule monthly meetings, but will hold them only as needed;
- (9) Use telecommunication systems as necessary to allow for participation;
- (10) Document meeting action only through the letters and recommendations agreed to by consensus; and
- (11) Differences unresolved by the Members Advisory Group will be referred to the Members as provided in Section 404(E)(2).

(D) Committee Procedures --

- (1) The Chair of the Members Advisory Group shall be selected by the members of the committee.
- (2) The Members Advisory Group shall operate by consensus. A quorum of designated representatives as described in Section 404(B)(2) is desirable but not essential to conducting committee business.
- (3) Proxy participation is permitted at Members Advisory Group meetings.
- (4) Regularly scheduled meetings of the Members Advisory Group shall be open to the public. The public shall be provided an opportunity for limited comment. Closed meetings (executive sessions) may be called as necessary to discuss sensitive issues with final action to take place in open session.
- (5) Foundation staff shall facilitate Members Advisory Group meetings but not be a part of the decision process. Foundation staff will be responsible for the distribution of agendas, reports, etc., as well as meeting arrangements.

(6) The Chair or Vice Chair with the assistance of Foundation staff shall prepare a written agenda prior to each meeting with copies sent to each designee, the Director, and interested parties no later than one week prior to each meeting.

(7) The Chair or Vice Chair with the assistance of Foundation staff shall distribute the action notes as agreed to at each meeting to each designee, the Director and interested parties no later than one week after the meeting.

Section 502 – Ad Hoc Technical Advisory Committees

(A) Composition The Members are hereby authorized to establish committees by Administrative Rule.

(B) Formation – Committees shall be created by the consensus of the Members. The Members shall provide committees a policy assignment which prescribes the committees’ scope and purpose. Policy assignments from the Members to the Members Advisory Group shall be by consensus of the Members. Assignments to any ad hoc technical advisory committee shall be by consensus action of the Members or Members Advisory Group, and submitted through the corresponding chair.

Section 503 – Administrative Decisions

The Members shall, as necessary, make Administrative Decisions, as addenda to the Charter to be identified by serial numbers in the year the action is taken (e.g. 87-1).

Section 504 –Director

(A) Selection --

The Director will be selected by a consensus of the Authority Members or removed by agreement of a quorum as defined in Section 404(B). The Director shall be an employee of the Foundation.

(B) General Duties --

(1) The Director shall be guided in their actions by the Members and shall receive direct supervision as determined by the Members.

(2) The Director shall –

(a) facilitate discussion among Authority Members in an effort to find consensus;

(b) ensure the timely completion of the Annual Work Plan for Member approval that includes an organizational chart with classifications and FTE allocations and annual budget including funding sources;

(c) procure services, supplies and equipment when required to effect the work of the Authority; and

(d) perform such other duties as are set forth in this Charter or directed by the Chairperson.

(3) The Director shall deliver a draft of each meeting agenda to the Members not less than 10 working days prior to the meeting.

(4) The Director shall record and distribute meeting minutes to all Members not more than ten working days following the meeting.

(5) The Director of the Authority shall facilitate meetings of all committees either personally or by staff appointment.

(C) External Communications --

(1) The Director may, at the direction of the Authority chairperson and with no objection by any Member:

(a) represent the Authority at meetings and public hearings to carry out policy directions from the Members; and

(b) maintain liaison between the agencies and tribes and the natural resource interest groups to provide information necessary for the support of effective resource management.

(D) Communications --

(1) The Director shall maintain open communication with all Members and committees.

(2) The Director is not to advocate any one position to the detriment of another Member's views if consensus is not achieved on policy positions or technical statements of Members.

(3) The Director shall communicate written statements to nonmembers only as determined by the Members of the Authority.

(E) Standards of Conduct --

The Director of the Authority shall not:

(1) use his or her official authority or influence derived from his or her position with the Authority for the purpose of influencing or affecting the result of an election to or nomination for any national, state, county, or municipal elective office;

(2) pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument, any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence

in obtaining for any person, any appointive office, place or employment under the Authority;

(3) have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Authority duties;

(4) use or allow the use of, for other than official purposes, information obtained through or in connection with his/her Authority employment which has not been made available to the general public;

(5) engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct prejudicial to the Authority; or

(6) use Authority or Member property on other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

APPENDIX

GENERIC DESCRIPTION OF AD-HOC TECHNICAL COMMITTEES

(A) Committee Procedures --

(1) Committees shall follow the terms of the policy assignments from the Members.

(2) Committees shall be composed of qualified representatives designated by each interested Member.

(3) Regularly scheduled meetings of committees shall be open to the public. The public shall be provided an opportunity for limited comment. Agendas will be distributed one week prior to the meetings to designated representatives, to each Authority Member and to other interested parties who have made a request to attend a specified committee proceeding.

(4) Foundation staff shall facilitate committee meetings but not be a part of the decision process. They will be responsible for the distribution of agendas, reports, etc., as well as meeting arrangements.

(5) All costs involved in committee participation are the responsibility of each member unless otherwise provided for.

(B) Communications --

(1) The Members shall release upon request any data or information provided to them by a committee or Foundation 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.

(2) The committees shall not communicate statements of Authority policy positions or results of policy or technical analyses to nonmember

entities unless previously approved by the Members or the Members Advisory Group. Determination of position statements shall not be delegated by the Members to any committee.

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