

# CHARTER

OF THE

## COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY'S

Resident Fish Committee

**August 5, 2003**  
**FINAL**

### Part I – Preamble

Nineteen federal and state agencies and Indian tribes manage Columbia Basin fish and wildlife resources. Most of the agencies and tribes have management authority over a discrete geographic area of the Columbia Basin that is defined by political boundaries. Management activities are disjointed 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, however, are united in their desire to establish and maintain a mechanism to coordinate their management activities.

The Columbia Basin Fish and Wildlife Authority (Authority) was established in 1987 as an informal collaborative forum 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. These exchanges provide 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 cooperate in good faith to participate in the consensus process.

### Part II – Purpose

Through the Authority, the Resident Fish Committee (RFC) was established as a technical committee of state and federal fish and wildlife agencies and Indian tribes (Members). The purposes of the RFC are -

- (1) to provide members with technical and policy analyses necessary to assure comprehensive and effective planning and implementation of resident fish programs in the Columbia River Basin, ongoing or proposed, consistent with requirements of applicable law;

(2) to facilitate discussion among resident fish managers of the technical merits and policy implications of resident fish programs in an effort to find consensus, to improve the quality of fish and wildlife decision-making; and

(3) perform analyses of and provide the members with recommendations on resident fish programs that shall --

(A) account for all known pertinent information and prior research;

(B) address practical alternatives; and

(C) account for risk and uncertainty.

(4) to develop or assist with the development of projects necessary to implement resident fish programs.

When evaluating resident fish projects, the RFC will first develop specific evaluation criteria through consensus agreement that reflect established policies and priorities of the Members.

### Part III – Objectives

#### Section 301. – Fish and Wildlife Management Coordination

The RFC shall –

(1) assist members with coordination of interagency activities in the Columbia River Basin among the federal and state fish and wildlife management agencies and Indian tribes or their tribal coordinating entity(s);

(2) develop or assist with the development of projects necessary to implement resident fish programs, including mitigation of resident fish losses of the Columbia River Basin due to hydroelectric development/opportunities;

(3) assist the members with prioritizing and implementing resident fish programs within the Columbia River Basin;

(4) develop or assist with the development of cost-effective research, monitoring and evaluation projects to focus on priority issues and avoid redundancy.

#### Section 302. – Columbia Basin Fish and Wildlife Program Coordination

The RFC shall –

(1) provide a centralized, regional entity that allows the Member's to work together to design and implement resident fish programs for the Northwest Power Planning Council's Fish and Wildlife Program;

(2) provide technical and policy analyses related to the development of measures to protect, mitigate, and enhance resident fish;

(3) develop or assist with the development of resident fish and habitat restoration measures;

(4) develop or assist with the development and implementation of resident fish and artificial production measures in the Columbia Basin; and

(5) coordinate or assist with the coordination of all relevant entities in the resident fish production planning and substitution process;

#### Part IV – Participation

##### Section 401. – Authority of Members Preserved

(a) Participation in the RFC is based upon the authorities contained in the treaties, statutes, executive orders, and other legal responsibilities of the respective parties to oversee protection, mitigation, and enhancement of resident fish.

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

##### Section 402. – Membership

**(a) Member Organizations.** -- In order to recognize the needs and authorities of the variety of entities involved in resident fish issues in the Columbia River Basin, RFC Membership shall include the following entities upon official execution of this Charter:

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  
Idaho Department of Fish and Game  
Kalispel Tribe of Indians  
Kootenai Tribe of Idaho  
Montana Department of Fish, Wildlife and Parks

NOAA Fisheries  
Nez Perce Tribe of Idaho  
Oregon Department of Fish and Wildlife  
Shoshone-Bannock Tribes  
Shoshone-Paiute Tribes  
Spokane Tribe of the Spokane Reservation, Washington  
U.S. Fish and Wildlife Service  
Washington Department of Fish and Wildlife  
Confederated Tribes and Bands of the Yakama Nation

#### Section 403. – Officers

**(a) Selection.** -- The officers of the RFC shall be a Chairperson and Vice Chairperson. By August 1 of each year, officers shall be selected from a list of RFC 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 RFC;

(B) assure that all instructions and statements of the RFC are properly executed;

(C) sign written statements requiring official signature as determined by the RFC;

(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; 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 one week 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.

#### Section 404. -- Rules of Procedure

##### **(a) Procedural Guidelines. –**

- (1) The RFC shall provide recommendations, through consensus actions, to the MMG.
- (2) Participants shall retain the right to review and approve yearly committee activities.
- (3) Participants shall retain, refer, or recall issues to the MMG as needed.

##### **(b) RFC Meetings. --**

(1) The full RFC shall meet at the request of the Chairperson or Vice Chairperson or at the request of a majority of the RFC participants.

(2) All RFC meetings shall be open to the public and the public shall be provided an opportunity for limited comment.

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

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

(5) Proxy participation is permitted at RFC meetings. Proxies must be in writing.

(6) All costs involved in RFC participation are the responsibility of each member unless otherwise provided.

##### **(c) Rules of Order. –**

The RFC shall use Roberts Rules of Order to govern business at all meetings and to guide the actions of the RFC.

##### **(d) Consensus Decision Making. –**

(1) The RFC Chair shall circulate a draft consent agenda and a regular business agenda for each RFC meeting no later than 10 business days prior to the meeting. Any item may be placed on the consent agenda by the Chairperson, Vice Chairperson or a majority of the RFC participants. The RFC also may seek a decision by consent mail delivered no later than 5 business days prior to the date a decision is requested.

(A) Any RFC participant must object in writing to an item on a properly circulated consent agenda or which was the subject of a consent mail request. A written objection to consensus on a consent agenda item or consent mail request 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, or if a consent mail request is delivered less than 5 business days prior to the date on which a decision is requested. An objection to 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 or withdrawn from consent mail.

(B) Any RFC participant may place an item for which consensus was not achieved on the regular business agenda for a subsequent RFC meeting.

(C) A RFC participant must be physically present or represented at a RFC meeting to object to consensus on a business agenda item if the item previously was removed from the consent agenda or a consent mail request but was placed on the regular business agenda for a subsequent RFC meeting.

(2) Following coordination on all issues, consensus positions will be sought pursuant to subsection (d)(1) before RFC 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 RFC participants, Authority letterhead will be used to advise whomever it may concern that consensus was attempted and to set forth the differing positions of the RFC participants.

(3) Any RFC participant may abstain or be absent from the consensus process without it becoming a dissenting opinion.

(4) A RFC participant who chooses not to participate in the consensus process, either by objecting to a consensus decision in writing under subsection (d)(1)(B), or in person under subsection (d)(1)(D), shall be deemed to have abstained from the decision making process.

**(e) Dispute Resolution. –**

(1) If consensus cannot be achieved within the RFC on an issue before the RFC, the RFC Chairperson or Vice Chairperson shall submit majority and dissenting positions to the MMG for resolution by that group. Any remaining unresolved differences shall be raised by the MMG to the Authority Members for resolution.

(2) The form of referral by the RFC to the MMG shall be determined by the need for timely resolution of the issue. Issues requiring expedited resolution shall be referred via conference call, consent mail, or special meeting as determined by the Chairperson of the RFC. Other issues shall be placed on the agenda for consideration at the next regularly scheduled MMG meeting.

## Section 405. – Charter Amendments

This Charter may be amended by consensus of the Members.

## Part V – Administration

### **Section 501. – Technical Committees**

#### **(a) Communications. –**

(1) The Members shall release, upon request, any data or information provided to them by the RFC or Authority 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 RFC 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 MMG.

## Section 504. – Resident Fish Technical Analyst (RFTA)

#### **(a) General Duties. --**

(1) The RFTA shall be guided by the RFC participants and shall receive direct supervision as determined by the RFC participants.

(2) The RFTA shall –

(A) facilitate discussion among RFC participants in an effort to find consensus;

(B) assist the RFC Chair to ensure the timely completion of the work products;

(C) assist the RFC with preparation of CBFWA annual reports and budgets for RFC review and approval;

(D) assist the RFC with preparation of technical and policy analyses of newly proposed or ongoing resident fish programs;

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

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

**(b) External Communications. –**

(1) The RFTA may, at the direction of the RFC Chairperson and with no objection by any RFC participant, --

(A) represent the RFC at meetings and public hearings to carry out decisions from the RFC; 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.

*Adopted, August 5, 2003, by a consensus resolution of the Members of the Columbia Basin Fish & Wildlife Authority.*

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