

CHARTER
OF THE
COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY'S
Anadromous Fish Committee
August 22, 2003

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. The fish and wildlife managers are united in their desire to establish and maintain a mechanism to coordinate their management activities 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 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 Anadromous Fish Committee (AFC) was established as a technical committee of state and federal fish and wildlife agencies and Indian tribes (Members). The purposes of the AFC are -

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

(2) to facilitate discussion among anadromous fish managers of the technical merits and policy implications of anadromous 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 anadromous 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.

When evaluating projects, the AFC 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 AFC shall -

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

(2) support the development and implementation of cost-effective anadromous fish programs;

(3) assist the members with coordination of management priorities within the Columbia River Basin;

(4) assist the members with development and coordination of mitigation of impacts on anadromous fish of the Columbia River Basin due to hydroelectric development and operation;

(5) coordinate the development of cost-effective research, monitoring and evaluation projects to focus on priority issues and avoid redundancy.

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

The AFC shall –

(1) provide a centralized, regional entity for coordinating the Member's role in the design and implementation of anadromous 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 concerning anadromous fish and hydropower relationships;

(3) coordinate development and implementation of anadromous fish habitat restoration measures;

(4) coordinate development and implementation of anadromous fish artificial production measures in the Columbia Basin; and

(5) ensure coordination among all relevant entities in the anadromous fish production planning.

PART IV – PARTICIPATION

Section 401. – Authority of Members Preserved

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

(b) Neither this Charter nor the operation of the AFC 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 anadromous fish issues in the Columbia River Basin, AFC 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

Section 403. – Officers

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

(b) Duties. –

(1) The Chairperson shall –

(A) preside at all meetings of the AFC;

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

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

(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 ten working days 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 five working days 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 of the latter.

(B) be Chairperson-designate and take the chair when it becomes vacant at the end of the Chair's term or if it becomes 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 AFC shall provide recommendations, through consensus actions, to the Authority's Executive Director and 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) AFC Meetings. --

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

(2) All AFC meetings shall be open to the public and the public shall be provided an opportunity for 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 AFC 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 AFC meetings. Proxies must be in writing.

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

(c) Rules of Order. –

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

(d) Consensus Decision Making. –

(1) The AFC chair, with assistance from the AFTA, shall identify decision items within the draft agenda for each AFC meeting. The Chair shall place any item on the agenda at its discretion or at the request of a majority of the AFC participants.

(A) Supporting materials for decision items must be distributed five working days prior to the meeting.

(B) A quorum is not required for AFC decision; those present have authority to act on consensus.

(C) Any AFC participant must object in writing to a decision item on a properly circulated 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.

(D) The AFC chair may place an item for which consensus was not achieved on the agenda for a subsequent AFC meeting.

(E) Any AFC participant can submit testimony or a written objection prior to the meeting; however, if the item is placed on a future agenda the AFC participant that objected or their representative must be present at the future meeting to discuss their concerns.

(F) Following coordination on all issues, consensus positions will be sought pursuant to subsection (d)(1) before AFC 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 AFC 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 AFC participants.

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

(2) The AFC Chair also may seek a decision of the AFC by consent mail delivered no later than 5 business days prior to the date a decision is requested.

(A) Any AFC participant must object in writing to a decision item which was the subject of a consent mail request. A written objection to consensus on a consent mail request must contain the reasons for the objection. An objection need not be in writing if a consent mail request is delivered less than 5 business days prior to the date on which a decision is requested.

(B) The AFC chair may place an item for which consensus was not achieved on the agenda for a subsequent AFC meeting.

(C) Following coordination on all issues, consensus positions will be sought pursuant to subsection (d)(2) before AFC 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 AFC 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 AFC participants.

(e) Dispute Resolution. –

(1) If consensus cannot be achieved within the AFC on an issue before the AFC, the AFC 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 AFC 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 AFC. 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 all AFC participants and approval by the MMG and 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 AFC 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 AFC 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. – Anadromous Fish Technical Analyst

(a) General Duties. --

(1) The AFTA shall be guided by the AFC participants but shall receive direct supervision by the Authority's Executive Director.

(2) The AFTA shall –

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

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

(C) assist the AFC with preparation of an AFC annual work plan and committee budget for AFC review and approval;

(D) assist the AFC Chair to procure services, supplies and equipment when required to effect the work of the AFC; and

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

(3) The AFTA shall assist the AFC Chair to deliver a draft of each meeting agenda to the AFC not less than ten working days prior to the meeting.

(4) The AFTA shall assist the AFC Chair with recording and distributing meeting minutes to all AFC participants not more than five working days following the meeting.

(d) External Communications. –

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

(A) represent the AFC at meetings and public hearings to carry out decisions from the AFC; 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 by CBFWA Members August 22, 2003

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