11 May 2017

*FISH PASSAGE O&M COORDINATION TEAM (FPOM)*

*CHARTER*

*PURPOSE OF CHARTER*

This charter provides the guidelines this team will use to accomplish its stated purpose. It is recognized by all members that change is occurring and will continue to occur. Therefore, it is further recognized that this charter is a dynamic document subject to modification, accomplished according to the Decision Making Process 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).

*FPOM PURPOSE*

The FPOM efforts shall be conducted in a manner that will provide a forum for Regional coordination, gathering information and development of recommendations on the operation, maintenance and construction procedures or activities which may affect fish passage through the nine covered COE projects. Conclusions reached at the meetings will be considered official positions unless written confirmation is received from appropriate agencies.  *The COE retains the right to make final decisions on anv actions that are not likely to affect Endangered Species Act (ESA) listed stocks.*

*MEETINGS*

The FPOM shall meet the second Thursday of each month unless otherwise coordinated with FPOM representatives. The designated Co­ Chairperson, or representative, shall distribute a draft agenda and documents to be considered at that meeting to those on the FPOM e-mail list no later than the Monday prior to a regularly scheduled meeting

*MEMBERSHIP*

Cooperating Parties - The following entities are designated as cooperating parties for the purposes of fish passage by the nine covered projects.

Bonneville Power Administration (BPA)

Columbia River Inter Tribal Fish Commission (CRITFC)

Confederated Tribes of the Colville Reservation (Colville)

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

Northwest Power Planning Council (NWPPC)

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)

Cooperator Representation - A representative and an alternate shall be appointed to the FPOM by each cooperating party. Representation is encouraged to include personnel experienced with or knowledgeable about the Columbia River projects and associated fish facilities. This familiarity should be at a level enabling the participant to effectively participate in the development of recommendations regarding operations, maintenance, and construction activities of the nine covered projects. Lack of cooperator meeting participation without prior coordination with an FPOM co-chair, means binding decisions may be made without their input or concurrence. Members not attending meetings will be viewed as in agreement with any decisions. Cooperators can remove themselves from participation in the FPOM forum by doing so in writing.

*AUTHORITIES*

The FPOM exists to assist the COE in complying with the following:

(1) Endangered Species Act;

(2) Clean Water Act

(3) Fish and Wildlife Coordination Act;

(4) Pacific Northwest Electric Power Planning and Conservation Act;

(5) Flood Control Act of May 17, 1950 (House Document 531);

(6) National Environmental Policy Act (NEPA);

(7) 1855 Treaty rights of signatory Native American tribes affected by the COE dams; (8) Other Native American rights protected by statute and/or the Federal Trust Responsibility and affected by the COE dams; and

(9) Other applicable federal laws, treaties, and interstate compacts related to the operation and maintenance of COE dams on the Columbia River and tributaries.

*OFFICERS AND TERMS OF OFFICE*

Co-Chairpersons- The two COE District's representatives 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 DECISION-MAKING PROCESS*

When FPOM decisions are necessary, consensus will be employed in developing recommendations. Consensus is defined as the unanimity of opinion of all authorized representatives present at a duly scheduled formal meeting. If coordination is undertaken via email between meetings, consensus will be among those submitting written comments within the requested timeframe. Each cooperating party shall have a single voice in the decision process. Where consensus cannot be reached members present will be polled for their respective position. The meeting minutes will contain a summary of each member's position that adequately represents their individual position and view. In such a situation, when an action is necessary, the action agency will determine the appropriate position and make it known as soon as possible, and in writing, to all members. Conclusions or recommendations reached at the meetings are considered official positions unless written response is received from appropriate agencies or tribes.

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 Fish Passage Plan. 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,* arising from FPOM that does not affect ESA-listed species will be referred to the respective COE District Fish Passage Managers for discussion. The disputing parties shall:

a. Provide written copies describing the dispute, including a recommended resolution to the problem.

b. Request a meeting with the respective District Fish Passage Managers be convened to review the dispute and proposed resolution. Written information developed under paragraph a. above will be provided to the respective District Fish Passage Managers for review at least one week in advance of the scheduled meeting date.

The respective District Fish Passage Managers shall consider the dispute and proposed solution and recommend an action to the District Engineer based on input from all members. In addition, disputes may be discussed in other Regional forums as deemed appropriate for the issue by FPOM members. The respective District Engineer shall make the final decision that will give full consideration to all input.

Any technical dispute. *not requiring an immediate decision,* arising from FPOM that may affect ESA-listed species will be referred to the System Configuration Team (SCT) for discussion. Some of these issues may also require ESA consultation with NOAA Fisheries. The disputing parties shall:

a. Provide written copies describing the dispute, including a recommended resolution to the problem.

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

The TMT shall consider the dispute and proposed solution and recommend an action based upon input from all members. In addition, disputes may be discussed in other Regional forums as deemed appropriate for the issue by FPOM members. The SCT will give full consideration to all input in making a decision.

*TASK-ORIENTED TASK GROUPS*

Task-oriented issue specific subgroups may be appointed by the designated Co-Chairperson. Subgroups should keep up-to-date internal working records. Reports will be submitted by the . subgroup lead as agreed by FPOM. Subgroups shall be dissolved after their work is complete.

*ADVISORS*

Advisors (subject matter technical experts) may be  *called upon* for indefinite terms as required to enhance work progress.

*REPORTS*

The designated Co-Chairperson is responsible for the preparation and submission of minutes of all FPOM meetings for review by the membership present at that subject meeting not more than ten working days following the meeting. Upon receipt of the draft minutes, the members 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. Members not submitting comments will be viewed as agreeing with the minutes. Disputes on the notes would be resolved at the next meeting. Copies of all documents will be provided to designated agency participants and anyone else indicating a desire to receive a specific document.

*LIAISON*

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