

Fish Passage Working Group Charter

Refined 3/19/2018

Purpose

The purpose of this document is to provide a framework for participation, cooperation, communication, and decision-making among Fish Passage Working Group participants.

Charge

The Fish Passage Working Group is developing information and recommendations on fish passage for the Potter Valley Project Ad Hoc Committee. The Ad Hoc formed the working group to develop detailed technical information and work for the Ad Hoc's consideration. The charge of the working group is to:

- Identify existing information and best available science
- Develop objectives for fish passage
- Identify viable solutions (near term, longer term)

Decision Making

The Fish Passage Working Group is developing recommendations for the Ad Hoc Committee's consideration and decision-making. The Fish Passage Working Group will strive for consensus decision-making in its deliberations and recommendations to the Ad Hoc Committee. The definition of consensus spans the range from strong support to neutrality, to abstention, to "I can live with it." A member can "stand aside" and let the working group reach consensus. This would still constitute a consensus agreement and outcome. Consensus requires the Fish Passage Working Group members (either present or via remote participation).

If consensus cannot be reached, the Fish Working Group will forward the options, with explanation of areas of consensus and divergence, to the Ad Hoc Committee for consideration and resolution.

Process Agreements

Working Group Members Commitments

- ✓ Working Group members' consistent, effective participation is essential.
- ✓ Working Group members commit to reviewing materials in advance of meetings and being ready to participate actively in problem solving during meeting time.
- ✓ Working Group members commit to listen, consider other perspectives, and rely on best available science. Considering others' interests and demonstrating flexibility to problem solve is essential to participate.

- ✓ Each Working Group member will coordinate and communicate Working Group deliberations and outcomes with its constituents or colleagues participating in the Ad Hoc process.
- ✓ Each Working Group member will consult with and represent the concerns and interests of the organizations and constituents that they represent. Members with established organizations and constituents are responsible for ensuring that all significant issues and concerns of their organizations and constituents are fully and clearly articulated during Working Group meetings. These representatives are also responsible for ensuring that any eventual recommendations are communicated to their constituents and/or the agencies they were appointed to represent.
- ✓ Members are free to informally communicate with each other. Representatives are encouraged to share relevant communications among all Working Group members, as appropriate to advance progress and communication.

Visitors

- ✓ Meetings are open to others to listen and learn; however, visitors will respect that these meetings are a continuation of previous dialogue and deliberation.

Tribes, Agencies, and FERC Process

- ✓ Participation in the Working Group will not bind any participant to any particular interpretation of law or regulation, or require any participant to take particular action(s) or excuse any action otherwise required by applicable law. Participation in the Working Group will not be construed as a waiver or release of any right or authority held by any participant.
- ✓ Participation in the Working Group will not limit the discretion under applicable law of any public agency.
- ✓ Participation in the Working Group will not be construed as a waiver of sovereign immunity by the United States, the State of California, any Tribe or any public agency.
- ✓ Participation in the Working Group will not preclude any participant from continuing to assert its positions or take any actions in the FERC relicensing or other regulatory or adjudicatory proceeding.
- ✓ Participation in the Working Group will not be construed as a future commitment of resources by any Federal agency.
- ✓ A participant may determine that a work product from the Working Group process should become part of a relicensing or other process or regulatory proceeding. The Working Group may consider information from other sources and processes.

Roles and Responsibilities

Working Group Chair

The chair will work with the facilitator to outline the meeting content and technical work to ensure an effective, timely process. The chair will work with Working Group members as necessary to advance solutions and problem solving to aid in negotiation. The chair may, in cooperation with other members, present Working Group outcomes to the full Ad Hoc Committee.

Consensus Building Institute Facilitators

In cooperation with Working Group members, the facilitators from the Consensus Building Institute will design meetings and guide the overall process, in cooperation with the Chair, toward achieving its mutually agreed-upon purpose and goals. The facilitators will work with all the parties to ensure the process is credible, fair, and effective.

The facilitators will:

- Formulate the agenda and desired outcomes for the sessions, including developing a meeting framework or work plan, for the overall process.
- Facilitate effective meetings.
- Create high level meeting summaries to advance the discussion and problem solving.
- Identify and synthesize points of agreement and disagreement.
- Assist in building consensus among members through full group, small group, and individual conversations.
- Work with members to ensure process and participation agreements outlined in this charter.
- Serve as a confidential communication channel for members, alternates, and other stakeholders who wish to express views privately because they do not feel comfortable doing so in a larger group or to facilitate problem solving and conflict resolution.
- Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

If a member has a concern about bias, neutrality or performance of the facilitator, s/he should raise the concern first with the facilitators and then the funders of the facilitators: California Trout, PG&E, or Sonoma County Water Agency.

Work Plan

The Fish Passage Working Group will meet six times in 2018. The chair and facilitator will work with the working group to organize its work plan aimed to achieve the working group charge.

Meeting Tentative Topics

- | | |
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| 1
03.26.18 | Working group organization, composition, work plan
Identify existing information and best available science
Develop preliminary objectives for fish passage, including biological goals |
| 2
04.18.18 | Discuss required reading, existing information, and best available science
Refine objectives and consider criteria to evaluate potential solutions
Identify and refine essential information to inform Ad Hoc Committee at its meeting |

AD HOC Briefing and Discussion	
3	Begin discussing fish passage concepts that might form alternative solutions (near term, longer term) Craft approach to assess viability of solutions Refine alternative solutions with level of detail sufficient for technical viability assessment
4	Vet, refine fish passage alternative solutions and conceptual operations based on technical work
AD HOC Briefing and Discussion	
5	Vet, refine fish passage alternative solutions and conceptual operations based on technical work Develop recommendations for Ad Hoc
6	Finalize recommendations to Ad Hoc
AD HOC Receives Recommendations	

Working Group Composition

The following is the Working Group members commit to the process agreements outlined above. Other Ad Hoc Committee members or colleagues may periodically participate to list to Working Group proceedings.

Chair: Joshua Fuller - NOAA Fisheries (NMFS)

Allan Renger	Fisheries Biologist Supervisor	Cal. Department of Fish and Wildlife
Brian Johnson	California Director	Trout Unlimited
Damon Goodman	Fish Biologist	USFWS
Darren Mierau	CalTrout North Coast Director	California Trout
Dawn Alvarez	Regional Hydropower Team	U.S. Forest Service
David Manning	Environmental Resources Manager	Sonoma County Water Agency
Emily Luscombe	Environmental Director	Coyote Valley Band of Pomo Indians
Janet Pauli	Director	Potter Valley Irrigation District
Jon Mann	Sr. Hydraulic Engineer	CDFW
Joshua Fuller	Fishery Biologist	NOAA Fisheries (NMFS)
Matt Myers	Senior Environmental Scientist	Department of Fish and Wildlife
Paul F. Kubicek	Senior Consulting Scientist - Aquatic Biologist	Pacific Gas and Electric Company
Robert Coey	North Coast Branch Chief	National Marine Fisheries Service
Scott Greacen	Conservation Director	Friends of the Eel River
Scott McBain		Round Valley Indian Tribes

Steve Edmondson		NMFS
Steve Thomas		NMFS
Thomas Holley		NMFS
Tim Nelson	Natural Resources Director	Wiyot Tribe
Vivian Helliwell	Watershed Policy Director	Pacific Coast Federation of Fishermen's Associations

Charter Amendments

The Working Group can amend this charter when needed using its decision-making guidelines.