



Final

DATE: March 30, 2006

TO: Members

FROM: Lynn DuCharme, Acting Chair and Brian Lipscomb, CBFWA

SUBJECT: Action Notes for the 03/22/06 Members Teleconference Meeting

**\*Note: These Draft Action Notes were Approved as Final at the 4/5/06 Members Meeting**

**Members Teleconference Meeting  
Wednesday, March 22, 2006  
CBFWA Office, Portland, Oregon**

Action Notes

The support material and reference documents for the 3/22/06 Members meeting are posted at <http://www.cbfgwa.org/committees/Meetings.cfm?CommShort=Members&meeting=all>.

**Attendees:** Dick Stone, WDFW; Brian Lipscomb, Kathie Titzler, Frank Young, Trina Gerlack, CBFWA

**By Phone:** Lynn DuCharme, CSKT; Larry Peterman, MFWP; Lonny Macy, CTWSRO; Ken Hall, CTUIR; John Platt, CRITFC, Gary Aitken, Sr., KTI; Bill Hutchinson, IDFG; Mark Bagdovitz, USFWS; John Palensky, NOAA-F; and Dave Statler, NPT;

<b>Time</b>	Objective 1. Committee Participation	100%
<b>Allocation:</b>	Objective 2. Technical Review	0%
	Objective 3. Presentation	0%

**Introductions**

Lynn DuCharme, CSKT acted as chair for Ron Trahan.

**ITEM 1: Request for CBFWA to Coordinate Discussions Related to Operations of the FCRPS Work Transfer Plan**

- Discuss Results of filing for the Immediate Motion to Stay of BPA's decision to abolish the Fish Passage Center

**Discussion and Status:** Brian Lipscomb and John Platt, CRITFC gave a brief review of pending litigation, which impact the status of the Fish Passage Center contract.

A Portland federal district court judge declined to grant a request for a temporary restraining order by Public Employees for Environmental Responsibility (PEER) representing six Fish Passage Center staff. The judge specifically discussed the decision anticipated in the afternoon that day by the Ninth Circuit Court of Appeals on a similar request and action

There are two actions being considered by the Ninth Circuit Court of Appeals; a Motion to Stay Civil No. 06-70430 before the 9<sup>th</sup> Circuit Court of Appeals brought by NW Sports Fishing Industry Association, Public Employees for Environmental Responsibility, and NW Environmental Defense Center v. BPA and a Motion to Stay brought by Confederate Tribes & Bands of the Yakama Indian Nation v. BPA. The court granted an order to stay. See attached Order No. 06-71182.

The Fish Passage Center will continue operating. BPA has advised the FPC that their contract will be extended on a month by month basis, until the issues are resolved by the court.

**Actions:** CBFWA staff will track this issue and keep the Members informed and updated on any new developments.

The operations of Fish Passage Advisory Committee and FPAC Charter will be added to the April 18, 2006 MAG Meeting draft agenda for review and discussion.