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**Rhonda Whiting**  
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March 30, 2006

## **MEMORANDUM**

**TO:** Council Members

**FROM:** John Shurts

**SUBJECT:** Update and discussion on the Fish Passage Center transition

The agenda for the April meeting includes a brief item reserved for discussion of any new developments regarding the Fish Passage Center. We will be discussing in executive session the developments in the litigation and the implications for the Council and its program. But we have time reserved in open session to talk about developments outside the litigation, such as in the realm of contracting.

To remind you, the Ninth Circuit issued a stay order requiring Bonneville to extend the Fish Passage Center "pending resolution of this petition and/or further order of the Court." Bonneville immediately extended the FPC contract (w/ Pacific States Marine Fisheries Commission) for 30 days. It will need to extend it further than that; Bonneville is apparently working to figure out the necessary extension. It is also trying to decide what to do with the other contracts that were to replace the Fish Passage Center, especially the contract with Battelle to provide what it called non-routine technical analysis. The last we heard Bonneville was allowing that contract to continue at least at a low level, so that Battelle could make further progress in preparation to take on that function. We will find out the current status of all of this just before the meeting and make a report.