

FISH PASSAGE CENTER OVERSIGHT BOARD
Meeting Notes for January 14, 2008 – Portland, Oregon

Members present were Bruce Measure, John Ferguson, Daniel Goodman, Sue Ireland (by phone), Tony Nigro, Doug Taki, and Steve Yundt. Audience members included Brian Lipscomb, Michele DeHart, Mark Bagdovitch, Liz Hamilton, and Council staff Kerry Berg, John Shurts, and Karl Weist.

Chairman Measure called the meeting to order and went over the agenda. He explained the item calling for discussion of potential amendments to the Council's fish and wildlife (F&W) program. He said, for example, that the Board might wish to discuss the provision in the program regarding who has authority to conduct a performance review of the Fish Passage Center (FPC) director. John Shurts clarified that the current program calls for the Council chair and the director of the Columbia Basin Fish and Wildlife Authority (CBFWA) to provide the review.

Quarterly Report and Fiscal Year 2007 Annual Report for FPC

DeHart presented a power point outlining the FPC's work during the last quarter of 2007. She explained that her presentation was organized according to elements in the BPA Pisces accounting model, and she asked for comments on the format. DeHart described tasks in the following areas: produce environmental compliance document; provide technical reviews; analyze and interpret data; develop and design research, monitoring, and evaluation (RME) methods; disseminate raw summary data and results; create, manage, and maintain long-term data base; produce plan; provide regional coordination; manage and administer projects; produce annual reports; and produce status reports.

There was discussion about the format of the quarterly report. Goodman commented that while a report in the format presented "can't hurt," he wondered whether it got to the underlying problem the Oversight Board was formed to address. Measure said the Board was reconstituted to respond to concerns in the region about FPC accountability. The question is whether the report gives enough information for us to review and decide whether the FPC is doing what it's supposed to do, he said.

Ferguson said the report helps the Oversight Board visualize what the FPC does, which is useful. Nigro said the Board should be clear about the purpose of the report so the FPC director can tailor something appropriate. He identified two report purposes: keep us updated and familiar with what the FPC does, and position us to say whether the FPC is doing what's expected. Yundt said he was fine with the report as presented.

DeHart went on to summarize FPC accomplishments during fiscal year 2007. She said FPC completed all contract deliverables within the established deadlines. She presented a list of accomplishments, including upgrading the FPC website; improving access to juvenile survival information; creating data bases and queries; adding juvenile population index graphs and displays of survival and travel time to the website; and responding to

requests for data, including spill. DeHart said the FPC site tallied 7,242,651 visits in 2007, with 978,576 user sessions.

DeHart continued with the summary of accomplishments, explaining FPC processing of data requests, analytical tools used, and hardware upgrades to increase the performance, security, and stability of the computer system. With regard to finances, she pointed out that FPC has been flat funded at \$1.3 million annually for six years, including 2008. BPA allowed us to redirect 2007 dollars – that would have gone for the salaries of employees who left the organization – to prepay some 2008 expenses, DeHart said.

Ferguson asked about the status of the FPC contract, and DeHart said the 2006 contract was extended to cover 2007 and extended again for 2008. The current FPC contract ends in November 2008, she reported.

Measure summed up take-away messages in DeHart’s presentation: the FPC contract “is up in the air” and BPA may need to address that, and there are issues with data management and storage. Could you store the data off site? he asked DeHart.

DeHart responded that FPC does not have a problem with data storage; efforts in 2007 were aimed at making data more accessible. In response to whether it would be more economical to store data elsewhere, she said data storage is not a major cost item. Personnel expense makes up the majority of FPC costs, with 85 percent of the budget dedicated to people, DeHart said.

Finalize Operating Rules

Referring to a handout with revisions to the Board’s proposed operating rules, Measure asked if the members are satisfied with the changes. Ferguson pointed out a discrepancy between the Board’s operating rules and the Council’s F&W program with regard to the Board developing “a goal-oriented plan for next year’s operation.” The provision is in the program but not in the rules, he said. Nigro suggested that in the spirit of complying with that provision, the Board could review the FPC’s proposal for an annual plan and provide feedback. The FPC could develop a statement of work, the Board could review it, and that would be a way to meet the provision in the program, he said.

Ferguson asked for clarification on two items in the expectations and operating rules: establishing a technical advisory committee (TAC) and recommending independent scientific review of FPC products. Nigro said that the expectations for the Board pertain just to 2008, and it is still an open question whether a TAC is needed. Measure said under the proposed rules, the Board could recommend independent scientific review but had not established a trigger at which such a review would be recommended.

Shurts pointed out that the third bullet does not spell out details for reviews the Board would conduct of the FPC. Nigro said in previous discussions the Board didn’t want to obligate itself to conducting an annual review – if we look at the FPC reports and provide

feedback, we're essentially doing an ongoing review. Goodman added that the Board did not necessarily want to represent that it has done an extensive audit of the FPC.

I don't think of the Oversight Board as doing an extensive audit; the Board's role is more a matter of seeing whether the FPC is doing what it's supposed to under the contract, Shurts clarified. I've not thought of the review in terms of the Board "delving into the quality of data" or technical aspects of FPC analyses, he said. Rather, we would take what the director provides as a report and see whether it is compliant, Shurts said. We'd say whether FPC performance is consistent with the contract, Nigro added.

Measure asked Shurts to draft new language relating to reviews that reflects the discussion and clarifies the third bullet under the Board's 2008 work items. Once the draft is available, the Board can vote in a telephone conference call, Measure said.

Meeting Dates for 2008

The Board confirmed the following schedule of meetings for 2008: May 12 in Walla Walla, August 11 in Spokane, and November 17 in Coeur d'Alene.

Potential Amendments to Council's F&W Program

Measure explained that the Council's F&W program is now open for amendment. There have been many requests for an extension to the deadline for filing proposed amendments that the Council will consider this week, he said. Measure said there are likely to be proposals related to the FPC, some of which would likely be well received by the Board and others that would not. He cited actions BPA took about a year and a half ago to change the contract for FPC-type of work. It was a failed effort that was very controversial, Measure said.

I have a list of ideas to float that we could consider for possible amendment in the Council's F&W program, he said. We could discuss these concepts and where we might want to go with them, Measure said. He offered the following issues and comments/explanations:

- Data management and storage – DART might be a good place for storing data, and data could as easily be recovered there.
- Review of the FPC director – some entity should be able to review the director to create accountability; current program language is nebulous and has never been implemented.
- Provisions for FPC Oversight Board – clarify references to the Board in the program and define its review obligation.
- Provisions for TAC – determine if they are appropriate; either select a TAC or delete the reference to it in the program.
- Reference specifically to FPC in program – is it appropriate to write a specific entity into the program or more appropriate to describe the functions and provide flexibility for carrying them out.

Shurts said the FPC provision in the F&W program doesn't work well and needs to be cleaned up. The provision is about funding technical assistance to the agencies and tribes on water management issues, he explained. The FPC functions for the agencies and tribes, but you didn't mention the public, Ferguson said. The FPC has to be an entity apart from CBFWA if it is also operating for the public; if it is an entity that serves just the agencies and tribes, the association with CBFWA would work, he said.

Nigro called for "a reality check" and expressed concern about the discussion. He questioned whether it was an appropriate use of Board time. Others will provide amendments, and it's highly unlikely we'll come to consensus around the table on these issues, he said. I agree some program language needs to be cleaned up, Nigro said.

Shurts said the Board could be very valuable in the amendment process. Assuming the functions of the FPC remain unchanged, this group could be very useful to the Council with the amendments, he indicated. A discussion followed on the appropriate role of the Oversight Board in the amendment process, with some members expressing discomfort with the Board offering amendments and others saying the Board should have that opportunity in its role of advising the Council on the FPC. Shurts said FPC provisions in the Council's program *will* be rewritten, and the Board could help in the process.

Nigro suggested the Board could put its recommendations in the form of a letter and recap its discussions rather than propose amendments. We could suggest the Council look carefully at certain language and offer how it could be changed. Yundt said the Board's job is to make things better. We need to craft language that offers fixes, he said.

Possible Program Recommendations

Goodman asked for explanations of terms currently used in the program to describe the FPC role, such as to "gather" data. DeHart explained that others take actual data readings and do monitoring, and they submit data to the FPC. The term "gather" is ambiguous and bears clarification, Goodman said. Likewise, the term "to house" brings up the issue of which data sets housed at FPC are "the official sets," he said. DeHart explained that data FPC houses is data its staff uses for analyses; the data is made available to agencies, tribes, and others. The "official" data, like PIT-tag data, is maintained on other sites, she said. DeHart also indicated that FPC stays up to date with revisions or changes made to data provided by others, such as the Corps.

Nigro pointed out that some data at FPC exists nowhere else. e.g., fishway inspections. The language in the F&W program would indicate that a lot of data is housed at the FPC, but the data used in its analyses comes from other sources, he said.

Goodman commented that the terms gather and house could be "extraordinarily important" in the future and may need clarification in the program. There seem to be two functions of "house," for instance, that need attention, he said: archiving data that is the basis for analyses, and being the official repository of data.

We have an opportunity to clarify these in terms of what is an official repository function and what is an archival function, Nigro said. Measure suggested Goodman and DeHart work with Shurts to craft language that clarifies the roles. There were no objections to going forward with the suggestion and offering guidance to the Council program.

Ferguson suggested clarifying language about the TAC. He pointed out that the language in the Board's operating rules calls on the TAC to establish and review technical protocols and scientific requirements for the FPC and review scientific and technical aspects of the FPC's performance. Ferguson said the first function described in the sentence should be determined by CBFWA, and the second function should be given to the Independent Scientific Advisory Board (ISAB).

The issue is whether you need a TAC, and if not, take it out of the program, Lipscomb said. Do we think there should be a TAC or could we use the ISAB mainstem peer review group? Nigro asked.

Measure asked if there was consensus around revising the TAC language and suggested CBFWA might be the most appropriate entity to offer an amendment. Should we make that recommendation? he asked. The question is, what is the best way to get scientific review of FPC products and is the current language about TAC serviceable, Nigro said. He clarified that the Board would be asking Lipscomb to take the recommendation to CBFWA to consider – we are recommending they explore the idea. Goodman suggested that any amendment direct the scientific and technical review to the ISAB, without specifying the mainstem peer review group. We should avoid complicating their process or function, he explained.

The Board turned to a discussion of the FPC director's review. Nigro recommended striking the provision in the F&W program that refers to the director's review. This is a personnel management issue, he said. There are problems with giving responsibility to the Council only, giving it to CBFWA only, or having a combination of both, Measure said. Right now, no one has evaluated the director, he said.

DeHart explained the history of how the director's review came to reside at CBFWA. Originally both the CBFWA and FPC contracts were with the Pacific States Marine Fisheries Commission (PSMFC), but CBFWA broke off from PSMFC and FPC remained, she said. An MOA between CBFWA and FPC covered the supervision of the director, but that MOA has expired, DeHart said.

My suggestion regarding the program language comes about because no review is happening, Measure said. The language in the program isn't working, and we need some language somewhere that provides for review of the FPC director, he said. Measure summarized the Board's view that the language regarding the director's review needs attention, whether it is deleted or changed.

The meeting adjourned at 4:55 p.m.
Prepared by Sonya Bruce, NWPCC Contractor