

FISH PASSAGE CENTER OVERSIGHT BOARD NOTES

July 22, 2004, 1:00 p.m.-4 p.m.

**COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY OFFICES
PORTLAND, OREGON**

I. Greetings, Introductions and Review of the Agenda.

The July 22, 2004 Fish Passage Center Oversight Board meeting, held at the Columbia River Inter-Tribal Fish Commission's offices in Portland, Oregon, was chaired by Frank L. "Larry" Cassidy of the Northwest Power Planning Council.

The following is a distillation (not a verbatim transcript) of items discussed during the call, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from the Council by calling 503/222-5161.

Cassidy welcomed everyone to today's meeting, led a round of introductions, then reviewed today's agenda.

Cassidy noted that the purpose of this meeting is simple: to talk about the Fish Passage Center. I forwarded the Center's budget numbers to the Council members this morning, he said, and would suggest that we begin there, by talking about what the numbers show and what the needs are.

Michele DeHart distributed a packet of FPC budget information, titled "Fish Passage Center Budget 2005." She began with a brief overview of the FPC's history, mission and role: obtaining Section 10 permits, overseeing all smolt monitoring activities in the basin, compiling and disseminating smolt monitoring data, and undertaking special research projects at the request of other parties in the region. She noted that the Fish Passage Center has changed little since it was established by the Council; the staffing level (11 employees) remains the same since the FPC was originally formed, and that level of expertise in fish passage activities is extremely valuable to the region.

At what point does the FPC get interpretive about what it's working on, in terms of study designs? Cassidy asked -- those are the kinds of questions that often come up in the region, raised by those who believe the FPC's data may be "skewed." Every year or two the smolt monitoring program design is reviewed by the ISRP, DeHart replied. It is also reviewed by the region. Bear in mind that this is designed to be a long-term program, which was originally designed by a regional panel of experts, not just the states and tribes. The program has been extremely stable for many years, she said; we don't get a lot of comments any more, and there is a high level of comfort within the Northwest scientific community about how our data are compiled. In response to another question from Cassidy, John Ferguson said NOAA Fisheries does not review the annual smolt-monitoring plan, noting that such science is basic and essential to the region's understanding of what's happening in the Columbia. He said he has no disagreement with the way DeHart characterized the history and role of the Fish Passage Center. One question, he said: how much effort do you go to in order to adjust your man-hours and workload in terms of each year's program -- reductions in spill, for example? We have to be aware of what's going on and make sure that in our reporting of the data, we take any yearly changes into account, DeHart replied. For example, if you're maximizing upstream transport, we need to be sure the passage figures at the downstream projects take that into account.

What would happen if the FPC went away -- what would we be missing? Gene Derfler asked. If you look at the quarterly report that is included in the information packet, you'll get a sense of that, DeHart replied -- for example, the fact that we get 2.5 million visits to our website in a three-month period, and 35,000 information downloads. That's 30,000 hits and 400 data downloads per day. The data we collect is being used by the region, she said, and it is used a lot. We are responsible for verifying the accuracy of the data we post, she said; DART, for example, downloads our data daily, and that would be a big missing part if we went away. We also provide data summaries in support of the ESA-related decisions that all of the action agencies must make. We also collect hatchery data, she added. Are you the only ones in the region who compile that data? Derfler asked. Yes, DeHart replied -- that's what the Council ordered us to do. You can get historical data, you can get real-time data, and you can use it any way you want, she said -- it is available to anyone in the region. Liz Hamilton noted that sport fishermen use the FPC website every day.

In response to a question from Cassidy, Rob Lothrop said CRITFC works closely with the Fish Passage Center in several areas. We use the data from the FPC website to produce our analyses, he said; we also coordinate with the FPC for our Comparative Survival Study. We also rely on the FPC's real-time smolt monitoring data to guide our operational recommendations to the action agencies in-season. There are other things we depend on the Center to provide, he said, but those are probably the three most important.

Do you draw analytical conclusions? Derfler asked. When requested to do so, DeHart replied, citing as an example the March 2004 request from CRITFC and WDFW to calculate the smolt-to-adult return rates of fall Chinook based on the available data. She noted that this analysis was sent not only to the two requesting agencies, but also to many other regional stakeholders. But do you advise on policy? Defer asked. Not directly, DeHart replied -- we do sometimes provide conclusions, for example, that a certain percentage of a given run typically passes Ice Harbor Dam by a given date. Sometimes technical analysis plays out as a surrogate for legitimate policy discussion, added Lothrop, but agencies tend to take their data and reach their

own conclusions.

I guess I'm talking about something like, when should we start or stop spill, Derfler said. Cassidy replied that that is more of a technical question; the policy question would be whether or not spill provides a commensurate benefit to salmon – is it worth the financial investment to the region? It seems to me that the main interaction between policy and data is in the development of System Operational Requests, another participant observed – what is the FPC's role there? We present the salmon managers with a weekly summary of flow, spill, water quality and smolt passage data, DeHart replied; they then decide what they want to do. Our role is to answer questions about the data and to provide any historical data summaries that might be needed. In response to another question, DeHart said every FPC work report that is posted to the organization's website is publicly reviewed by anyone who wishes to offer comments.

Cassidy noted that what the FPC does is very complex; it would almost be necessary to hire a team of outside experts to determine whether or not the FPC data is "skewed." The Comparative Survival Study is a good example, because it is very complex, said DeHart – that's why it is reviewed by the ISRP, and we spend a good deal of time and effort to satisfy any concerns they may have.

It is easy to make accusations of bias, and we do take them seriously, observed Rod Sando. However, those comments have been around for a long time, and we are open to anyone's suggestions about how to improve our process. Ours is a very open process, Sando said. The onus is on those who make the accusations of bias to come to us and present their evidence. In fairness to all of us who have labored to make our process open and honest, it is only fair to ask our sophisticated accusers to make equal effort on the other side, and that is my challenge to them.

Derfler said that, although he has not been on the Council long, he has heard a lot of complaints about the Fish Passage Center. He noted that today's discussion had been very helpful to him in understanding how the FPC operates and what safeguards are in place. Cassidy noted that the FPCOB was created in response to the previously-referenced complaints about bias; you will recall that the original proposal was to eliminate the FPC, he said. This board, which includes broad regional representation, including user groups and the utilities, was the compromise.

The FPC does three main things, said Ferguson, including the smolt monitoring program and the studies, such as the CSS, that they do for CBFWA. Under the Council's new amendment, is the oversight of research still under the purview of the FPC? Is research something the FPC should be involved with, or is their role more one of monitoring the data collected by the states and tribes? he asked. Cassidy asked that Ferguson put his question in the form of an email, and said he will attempt to find the answer.

The discussion then moved on to the FPC budget. DeHart reiterated that staffing levels have not changed since the FPC was established 15 years ago. Cassidy noted that the Pacific States Marine Fisheries Commission functions as a clearinghouse for Bonneville funds, for the Fish Passage Center and many other regional fish and wildlife entities. Randy Fisher from

PSMFC described his organization's history and role.

DeHart said the total FPC budget for FY'05 was just under \$1.45 million. The BPA allocation for FY'05 is just over \$1.3 million, leaving a shortfall of \$145,000. The shortfall is basically evenly split between the amounts needed to cover the FPC's FY'04 budget shortfall, the increase in FY'05 operating costs, and the amount needed for computer equipment and software upgrades. The increase in FY'05 operational expenses includes federally-mandated cost-of-living increases, increased health care costs and increased office rent costs. The group devoted a few minutes of discussion to the rent increase imposed on the FPC in 2005; DeHart said the center is actively looking for new space. Lothrop suggested that it might make sense for CBFWA and the FPC to find a space they can share, because CBFWA is in the same boat. Sando replied that the FPC has considered that, is working with a broker, and the process of finding new space is well underway.

The discussion then turned to the Center's computing needs; DeHart noted that FPC staff now buys components and builds their own computers, so the computer hardware situation is being handled as cost-effectively as possible already. The software upgrades are needed to combat the increasingly-sophisticated hacking attempts that have challenged the FPC in recent years; again, given our in-house programming capabilities, that is being done as cheaply as possible as well. We average more than 400 attacks per month, and the number of attacks is increasing; it would be much more expensive to bring in a third-party provider, another FPC participant observed.

It sounds, essentially, as if what the FPC has proposed for FY'05 is as cost-effective as possible, said Ferguson – I have no problem with the budget as written, and I don't think it is FPCOB's role to try to micromanage. The question then becomes, is the FPC doing everything it should be doing?

What happens if you don't get the additional \$145,000 you need? Cassidy asked. I don't see how we can make it go, DeHart replied. Are you talking about staff or program reductions? Cassidy asked. He noted that everyone, including state and federal agencies, are budgetarily flatlined under the current economic climate. Over the years, we've operated the center on such a lean budget, given what we have to do, that everyone is essential, said DeHart. If you take someone out of the mix, a wheel is going to fall off. There aren't two people working on any one aspect of the FPC program, so if someone is let go, whatever they're responsible for will fall off the table. Is it safe to say, then, that if you don't get the additional \$145,000, you'll have to reduce personnel and, consequently, deliverables? Cassidy asked. Yes, DeHart replied. It would be helpful if you could develop an estimate of what, precisely, would be cut, if the \$145,000 can't be found, Cassidy said. Tom Iverson noted that, if this issue is framed in an honest cost-effectiveness context, the region needs to take into account the fact that, if there is a \$145,000 shortfall, the FPC will become less effective.

The group discussed the possibility of making up the \$145,000 shortfall with non-BPA funds; Cassidy raised the concern that, depending on the source of those funds, such a course might only exacerbate concerns about the FPC's impartiality.

Hamilton said that, from the perspective of the community that lives with the consequences of the hydrosystem on the fishery, given the fact that BPA is paying \$1.8 billion to the aluminum industry and \$1 million to Idaho Power for water that many of us feel would have been delivered anyway, \$145,000 isn't a great deal of money. From our perspective, it seems that BPA's books are always balanced on the backs of the fish. For example, why does BPA maintain a huge fish and wildlife staff? There are many other places where costs could be cut, she said. We're taking a hard look at every aspect of the BPA budget, and fish and wildlife budgets throughout the region, Cassidy replied – that's just good government. That's fair, Hamilton replied; I'm just giving you the perspective of the fish community – that the FPC does essential work for the management agencies in the region. I hear you, said Cassidy, but I also want you to view what we're doing here as a healthy exercise.

The bottom line is that we stretch every dollar we receive as far as possible, said DeHart – we do just about all of the legwork ourselves in everything we do. Two and a half million hits in 90 days is pretty impressive, Cassidy agreed. And our ability to keep that data up and flowing, in the face of thousands of unknown attacks each year, is really what's at risk here, observed another FPC participant – we only had four or five hours of downtime last year.

Sando noted that BPA's policy of not adjusting program levels for inflation for their contractors is a false economy; he noted that BPA is not imposing this discipline on themselves. He said that, in his view, it is a poor way to manage this program, because it is eroding the long-term viability of the fish and wildlife program in the region.

Lothrop encouraged the Council to recommend that BPA cover the \$145,000 FPC shortfall for FY'05. Cassidy replied that he will be discussing that issue with the other members of the Fish 4. We need to work this through the Council, he said; however, I agree that BPA's flatline policy on cost-of-living increases for its contractors may be a costly one in the long term. Sando noted that the productivity of the FPC staff is, in a large part, dependent on having the tools they need to do their jobs. Every hour we spend defending the system against hackers is one less hour to spend on the projects that make us productive, he said.

Cassidy said that, in his view, the FPC's output has been significantly improved in the past year, in terms of both availability and impartiality. Sando said that, in his view, the FPC staff is extremely efficient – everyone knows his or her job, and everyone works hard. This is a high-powered group of people, he said.

It was agreed that FPC staff will develop a memo describing what would likely be eliminated if the missing \$145,000 is not found within the next two weeks. Cassidy said he will then distribute this memo to the other FPCOB members via email.

Moving on, Cassidy said another issue that has come up is whether the FPC's activities are duplicated by what DART does. DeHart replied that the Council had asked the ISRP to address that question, to review all of the databases funded through the Council's Fish and Wildlife Program. The ISRP's conclusion was that there is no significant redundancy between the activities of DART, the FPC, Streamnet and other databases. She provided copies of the ISRP report for FPCOB review. While DART uses some of the same information we use, we're a first-tier data system, and the job we do is different from the job DART does, said DeHart. The

key paragraph is Paragraph 2 on Page 4 of the ISRP review, said Randy Fisher – “The amount of money that could be saved by curbing the small amount of redundancy that exists between data management projects (primarily between the Fish Passage Center and DART) pales in comparison to the problem of meeting significant basinwide data gaps.” Sando noted that the data access section on Page 15 of the report also contains important information on the relative functions of DART and FPC.

Cassidy thanked the other participants in today’s meeting for their time; he reiterated that, in his view, this is a healthy process, and is not in any way intended to be punitive. It was agreed that the next FPCOB meeting will be scheduled some time in August. With that’s today’s meeting was adjourned.