

FISH PASSAGE CENTER OVERSIGHT BOARD MEETING NOTES

October 2, 2002, 9:00 a.m.-noon

COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY OFFICES
PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The October 2, 2002 Fish Passage Center Oversight Board meeting, held at the Columbia Basin Fish and Wildlife Authority 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.

2. U of W and NMFS Science Center Interface with FPC.

John Ferguson of NMFS said his goal today was to inform the board about how NMFS uses the Fish Passage Center (FPC) products. There are really two NMFS, he explained – the management side and the science side. The management side has a fair amount of involvement with the FPC through the Technical Management Team and other processes; they work with the FPC regularly.

At the Science Center, our interactions with the Fish Passage Center are much less active, Ferguson said – we seldom get involved in those management discussions, and we don't use the FPC for analysis, because we do that ourselves. We do occasionally refer to their migration numbers, of course, but that is the extent to which we use the FPC's products, he said.

Ferguson said NMFS policy personnel are satisfied with the work the FPC does. He noted, however, that there are occasional "policy black eyes" in which the FPC and NMFS develop conflicting research and analyses of the same issue.

Ferguson provided a brief overview of the way NMFS develops its scientific analyses; in particular, the firewall NMFS has built between management and science. We want to go where the data takes us, he said, rather than taking the science where we want to go from a management perspective. It is absolutely critical to maintain that scientific credibility and independence from the NMFS regional office, Ferguson said -- that tone is set from the highest levels on down. Our merit pay is based on publication record and scientific performance, Ferguson added.

Ferguson said that, in NMFS' view, the problem with the Fish Passage Center's approach is the fact that the FPC mingles an advocacy role and a scientific role. From our perspective, that is not a model that works,

Ferguson said – we prefer to let the data take us where it goes, rather than using data to support one position or another.

So in your view, the FPC has this co-mingling issue? Cassidy asked. That's correct, Ferguson replied – we're not science cops who believe there is only one way to do research, but we do know that the firewall between management and science works for us.

Liz Hamilton asked how NMFS reconciles that firewall, given the fact that regional administrators sign the Biological Opinions. My instructions from our regional administrator are, feed us the data, and we'll take it from there, Ferguson replied. The Science Center is troubled by this view of the Fish Passage Center? Hamilton asked. The co-mingling of advocacy and analysis, from our perspective, shades the FPC's analytical products, Ferguson replied – it's not a big concern, but we don't use the FPC's products. What troubles me, as a stakeholder for a group dependent on healthy salmon populations, is that I expect NMFS to be an advocate for those populations, Hamilton said. We are advocates, but that role rests with the management side of our organization, not the science side, Ferguson replied.

Are you saying that if there was a possibility of creating more of a firewall between the analytical and advocacy roles of the Fish Passage Center, that would be an improvement, from NMFS' perspective? Cassidy asked. All I'm saying is that such a restructuring would be closer to the model we use at NMFS, Ferguson replied – again, we're not science cops who believe there is only one way to do good work.

Tony Nigro observed that there is a difference between perception and reality; in the view of many in the region, there is more of a firewall between Fish Passage Center science and advocacy than is being characterized at today's meeting.

Ferguson reiterated that NMFS' intent is not to come to the table today and say the Fish Passage Center is broken and must be fixed. However, he said, the FPC does have a credibility issue, and the way to get at that credibility issue, in our view, is to separate their scientific and advocacy roles.

Rob Walton asked for specific examples of instances where the NMFS Science Center and FPC views have differed. Ferguson said he was willing to provide such examples as long as the context was understood: namely, that the NMFS Science Center differs with the Fish Passage Center in the way they view these particular data sets.

Ferguson noted that NMFS had produced a white paper on dam passage, which generated considerable comment from the FPC and others in the region. One of the specific findings of that paper was that there was a disturbing trend in adult chinook and steelhead returns, because the fish that had passed through multiple bypass systems simply weren't coming back in at the same rate as fish that did not pass through multiple bypass systems. We don't know what that means, Ferguson said; we reported it, despite the fact that we don't yet know that it is real – the numbers are still very small. NMFS put that into the uncertainty box, because there simply wasn't enough evidence to say what was causing that, he said – PIT-tag problems, certain bypasses or all bypasses -- we just noted the data, and developed some additional studies to take a look at this trend. The Fish Passage Center, however, interpreted the data and said it meant NMFS should take a closer look at dam breaching, Ferguson said. That's fine, he said, but that's not a jump the Science Center is willing to make.

So there is an analysis role at the Science Center, said Hamilton – you do lay out positions for your managers. We don't tell the managers where to take that information in the policy arena, Ferguson replied – we're just saying, this is what the data tells us.

Jim Anderson then discussed the Columbia Basin Research (CBR) program at the University of Washington, in particular, the DART program. The CBR team includes myself and John Skalski, Anderson said; we do many of the same things the Fish Passage Center does. One common function is to provide data to the region via the Internet, Anderson said; the other is to conduct analyses that are requested of us. To a large extent, the FPC and CBR use the same sources of raw data and make that data available to the region, Anderson said; another area of commonality is that both the FPC and CBR are funded by Bonneville.

Anderson said that, in his view, both the FPC analyses and its website lack the transparency of the data and

reports produced by Columbia Basin Research – the FPC data is more difficult to work with, and the data sources and underlying analyses upon which it relies isn't always clear. Anderson noted, however, that he is not impugning the accuracy of the FPC's work products – in many cases, he said, independent analysis conducted by NMFS and CBR reaches the same conclusions as the FPC analyses.

Anderson emphasized that any advocacy position must be firmly rooted in scientific method; without that, your position completely lacks validity. In my view, he said, the FPC has often jumped too quickly to an advocacy role, without the careful science needed to support their position. That is where I vehemently disagree with Liz Hamilton, he said -- we are not advocates for fish, we are advocates for good science.

Ferguson emphasized that there are many instances when the FPC and NMFS Science Center conclusions are very similar -- for example, in 2001, the low-flow year, the Science Center and FPC survival estimates for chinook and steelhead down through the hydrosystem are virtually carbon copies.

Obviously everyone in the region needs to be confident that whatever analyses are done are scientifically credible and subjected to rigorous peer review, said Tony Nigro. For those kinds of things, this body can craft some fairly simple solutions. I don't think any of us can sit at the table today, however, and say we are analytically infallible, Nigro said. Of course we all want to see sound science which clearly states what we do and don't know, he said. Any credibility problems the FPC may have can be dealt with fairly simply.

What this comes down to, from a policy perspective, is that the scientists need to clearly state what they do and don't know, Nigro said. The problem is that when scientists hedge their bets too much, it makes it nearly impossible for people like me, as laymen, to look at an analysis and make a credible policy decision, Cassidy said.

Dave Askren discussed information management, from BPA's perspective; he noted that the information that goes into BPA's decisions is one of the keys to a valid decision-making process. Fair and open access to that information is crucial, he said; otherwise, there is a perception that the information you're using is tainted. That isn't just a problem specific to the Fish Passage Center, Askren said – it is common to the entire Northwest. When you mix advocacy with data management, you taint the information you're providing; obviously, from all of our perspectives, we need to maintain the separation between policy and science, or we risk a loss of credibility.

Hamilton said that, in her opinion, this committee was formed because of pressure from hydro managers, not fish managers. That's correct, said Nigro. From BPA's perspective, "managers" means anyone who makes decisions that affect this collective resource, Askren said. It just seems to me that we're shooting the messenger here, rather than those who are developing the message, Hamilton said.

One example, from a researcher's standpoint, is test fish, and who gets access to those marked fish, Ferguson said. In 2001, NMFS proposed a study to look at potential delayed mortality associated with multiple bypass. We asked to use some of the CSS fish, said Ferguson; the Fish Passage Center did an analysis that said if NMFS takes those CSS fish, they will take two-thirds of the group, and that is unacceptable. According to our analysis, we would only have taken 10% of the fish, Ferguson said. The Fish Passage Center said that still isn't acceptable, because you would be affecting over 350 adults. We replied that they were wrong about that as well, because we would be only affecting six fish. The FPC said they still didn't want us to use the CSS fish, and as a result, we wound up marking more than 100,000 fish to do our study. The point, said Ferguson, is that the test fish issue needs to be on the table.

Michele DeHart replied that, as the agencies and tribes developed that particular study design, they did so under the close scrutiny of the Independent Studies Review Panel (ISRP). One of the main points the ISRP looked at was sample size, DeHart said. John Ferguson is talking about a study that was proposed under the Corps of Engineers research process, which is not the same as the Bonneville process. There are many opportunities for NMFS, the Fish Passage Center and others to discuss access to study fish, she said. When NMFS proposed a Corps-funded study in the Mid-Columbia, for example, in order to reduce the number of fish they had to mark, we suggested that they use our CSS group as their bypass group, and they agreed, DeHart said. There are also plenty of examples where the NMFS Science Center hasn't gotten its ESA permit approved and have called me to ask if they could ride on our ESA permit, DeHart added; I always say yes.

There are examples where we definitely disagree with the National Marine Fisheries Service, DeHart said.

We review their draft reports; we invite others to review our draft reports. We are certainly capable on making mistakes, she said. I'm not hearing John say there shouldn't be differences of opinion, said Cassidy – what I heard him saying is that until the FPC separates its science and policy functions, it will lack credibility. We have different jobs, DeHart replied – you publish papers, and we conduct monitoring.

What I'm hearing today is that, with respect to credibility issues raised by the Science Center and U of W, the solutions are straightforward, said Nigro – if the region was confident that there was a separation between the science and policy arms of the FPC, that would go a long way toward addressing the perceived lack of credibility at the FPC. There are widely-accepted protocols by which that could be fixed, Nigro said; those are problems, however, that are not unique to the Fish Passage Center.

Do you think the FPC is transparent now? Cassidy asked. Yes, DeHart replied. She noted, however, that the FPC and DART Internet sites perform different functions, intended to serve the needs of different audiences. If I understand the concerns that have been brought to the table today, again, I think the solutions to those concerns are fairly easy to get our hands around, said Nigro – again, this problem is not unique to the Fish Passage Center,

I'm not comfortable bringing these topics to the table, said Ferguson. To me, the overarching question is, what does the region need the Fish Passage Center to do? If it is analysis, then we need to take the steps we've been talking about today. If it is information dissemination, then that's a different issue, Ferguson said. Most of us believe analytical support is one of the key functions of the Fish Passage Center, Nigro replied.

The main purpose of this committee is to address the fact that the Fish Passage Center does not enjoy the same reputation for independent analytical quality as the University of Washington group or the NMFS Science Center, Cassidy said – if that concern isn't addressed, the Council may be forced to take action that the salmon managers are not going to like. It would be more accurate to say that that perception exists among some stakeholders, but not others, Nigro said. I recognize that every group has its nay-sayers, including this one, said Cassidy -- essentially, however, the Council is starting to feel that they are not receiving the value they expect in return for the ratepayer money that goes into funding the Fish Passage Center.

So the question really is, do the fish managers have the right to have the Fish Passage Center conduct their analysis? Hamilton asked. In other words, is the region going to take away this capacity from the fish managers? I don't think that's the question, Cassidy said – to me, the question is whether or not this oversight board can take a valuable tool – the Fish Passage Center – and elevate it to a higher level of acceptance within the region? If we can't do that, then the Council isn't going to think there is value in what the region is paying for in ratepayer money.

Walton said he supports Tony Nigro's comments on the need for more transparency in the FPC's presentation of its data. My constituents would tell you that they agree with John Ferguson's comments, which succinctly summarized the long-standing malaise in the Fish Passage Center's reputation in the region, Walton said - that there are occasions when the Fish Passage Center leaps from data to conclusion too hastily. However, said Walton, any criticism of the Fish Passage Center for its leaps in logic can be applied to many others in the region as well. From the perspective of many in the region, particularly the tribes, there is reason to suspect the credibility of the NMFS Science Center and the U of W's CBR program, because both are funded by Bonneville. Given the need for checks and balances in the region, said Walton, I don't believe it is in the power managers' best interest to scrap the Fish Passage Center and substitute their science. What we ought to be doing is keeping high-quality scientific method going, let people draw their competing policy conclusions, and accept that that is OK, Walton said.

The Fish Passage Center welcomes peer review and comment from anyone, DeHart said. The fact of the matter, however, is that the NMFS Science Center guys don't have time. Ferguson agreed; again, he said, our job isn't to be science cops.

3. Where Do We Go From Here?

We don't want to spend all of our time reviewing the work products of others, Ferguson said – when we talk solutions, we're not interested in policing the Fish Passage Center. All of our stuff is out for review, and all of the data is available from our site, DeHart said. We don't have a lot of tools, which is one difference between our site and DART's – we don't have a tool that calculates survivals, for example. DeHart noted that the ISRP is the main source of the detailed comments the Fish Passage Center has been receiving on its proposals; a great deal of

effort has been devoted to responding to those comments, she said.

So if the Science Center isn't the region's science cop, who is? Walton asked. The ISAB, in many ways, Ferguson replied – they respond to specific requests from the Council and the tribes to review work products from various regional entities.

This presentation was extremely valuable; I learned a lot, but I have a lot more to learn, Cassidy said. He suggested that the group meet again in November to take up the FPC mission statement, as well as what the role of the FPC oversight board should have in the future. He noted that, in his opinion, this group, with its diverse makeup, has the broad diversity of viewpoints to restore some of the FPC's credibility. My concern, however, is that this board may not have the professional expertise to make the necessary judgements about how to restore credibility to the FPC's scientific analysis, Cassidy said.

At Cassidy's request, DeHart said she will distribute copies of the FPC's mission statement to the other attendees of today's meeting; Cassidy asked the other FPC Advisory Board members to familiarize themselves with this document and come to the next meeting prepared to discuss it.

4. Next Meeting Date.

The next meeting of the Fish Passage Center Oversight Board was set for Monday, November 4. With that, the meeting was adjourned. Meeting summary prepared by Jeff Kuechle, NWPPC contractor.