

FISH PASSAGE CENTER OVERSIGHT BOARD NOTES

November 12, 2002, 9:00 a.m.-noon

Columbia Basin Fish & Wildlife Authority
PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The November 12, 2002 Fish Passage Center Oversight Board meeting, held at the Columbia Basin Fish & Wildlife Authority 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.

Rob Walton drew the group's attention to an October 14 report from Michele DeHart; the group devoted a few minutes of discussion to this document, with an eye toward developing an FPCOB response. Rod Sando said for the record that, as DeHart's supervisor, he feels this type of conversation is inappropriate for this body, and that Michele DeHart feels this type of conversation verges on harassment. These kinds of analysis are done by a group of people and are issued over her signature, Sando said; it is my responsibility to see that she is treated fairly. I think that's a fair statement, Walton said. Cassidy observed that one of the roles of this Board is to get at the question of how these kinds of FPC analyses are developed, but that no disrespect is intended by that process.

The group discussed the draft mainstem amendment's language concerning the Fish Passage Center; Tony Nigro said that, in his view, it would be prudent for this group to devote the majority of its next meeting agenda to a discussion of what response, if any, this Board should provide to that language. In my view, he said, we should step back at our next meeting and decide what the Board is going to say about the draft mainstem amendment. I completely agree, said Cassidy – we need to weigh in on that issue, because by February, that could become a permanent ruling.

Do we also want to discuss the Fish Passage Center's October 14 report at our next meeting -- how it was created, and what process was used to arrive at its conclusions? Cassidy asked. No disagreements were raised to this suggestion.

2. Discussion of FPC Supporters Regarding Their Agencies' Interaction/Relationship With the FPC.

Sharon Kiefer began this agenda item with a presentation on what the Fish Passage Center provides to the Idaho Department of Fish and game. She touched on the following major topics:

- FPC helps IDFG stretch its resources in a very useful way

- Key management services for salmon management: access to regional data (in-season, historical, standardized, documented)
- In-season juvenile migration data is paired with key environmental indices
- FPC provides historical or average trend of juvenile migration data paired with key environmental indices, as well as in-season comparisons
- FPC provides standardized methods of data collection and display (technical consistency) for systemwide comparison
- FPC provides documentation for all users (in-season management, historical archives)
- Key FPC services (products) – reports, interagency projects, operations, fish passage analysis requests
- Interagency projects – the Smolt Monitoring Program, the comparative survival study, the COE ad-hoc group to review survival and FGE study design and method
- Requests – data sets, analyses, analytical tools, technical review, the FPC web page
- Another key FPC service – it facilitates salmon manager communication through FPAC, SORs, documentation of recommendations and decisions.

The group devoted a few minutes of discussion to the new Corps of Engineer ad hoc group to review survival and FGE study design and method -- its membership and role. John Ferguson noted that his understanding is that the ad hoc group is focused mainly on ensuring standardized study methodology, to be sure the region is comparing apples and apples once the study results come in. Ultimately, it was agreed to schedule a presentation on the activities of this ad hoc group at a future FPCOB meeting.

When the Council decided to look at artificial propagation throughout the basin, said Don Sampson, they were attempting to ensure that all of the various types of hatcheries were reviewed under the same standards, and that consistent standards were developed for their operation. The Council's feeling is that this was necessary to its funding review process, Sampson said, and it seems to me that this is a similar effort with respect to the \$30 million annual Corps research program. There needs to be some coordination of those activities; again, it seems to me that this is a similar effort to the Council's Artificial Production Review, Sampson said. Walton said the Public Power Council supports Sampson's viewpoint as well. Nigro observed that, in ODFW's view, that type of oversight and coordination is provided through the Implementation Team; however, the tribes do not participate in the Regional Forum process, hence the perception, among some in the region, of the need for this ad hoc group.

Kiefer clarified by saying that IDFG has asked the Fish Passage Center to participate in and monitor the activities of the ad hoc group; however, any comments on that process will come from IDFG, not from the Fish Passage Center -- it's just another example of the services they provide to us, she said.

Kiefer went on to say that, in IDFG's view, the services the Fish Passage Center provides are credible (accurate, scientific and reliable), collaborative, well-coordinated and timely. That doesn't mean that we always agree with the FPC's recommendations, she said, but the process by which those recommendations are developed is open and transparent.

In closing, the IDFG management mandate is to protect, preserve, and perpetuate Idaho's fish and game resources for use, said Kiefer. The bottom line, from IDFG's perspective, is that the Fish Passage Center products and services help IDFG meet its fish management responsibilities by stretching IDFG's technical resources.

From ODFW's perspective, ditto, said Nigro – we rely on the FPC in precisely the same way IDFG does. I just want to be sure that the board understands that, from our perspective, FPC provides us the same services, under the same conditions IDFG faces. And I know WDFW feels the same way, said Cassidy.

Next up was Fred Olney, who seconded ODFW's and IDFG's perspective. All of the management agencies and tribes have a similar relationship with the FPC to the one Sharon just described, he said – Michele DeHart and the other staff members here are key resources for the Fish and Wildlife Service in our management of mainstem issues. We rely heavily on FPC expertise and staff, when it comes to supporting our fish passage work, Olney said. They understand the complexities of river operations and fish passage in the mainstem, and provide critical analytical support – they know the hydrosystem inside and out.

One thing Sharon did not talk about was another key service the Fish Passage Center provides -- the inspection of adult and juvenile fish passage facilities, Olney said. The Fish and Wildlife Service provides funding

to FPC for this critical service, and I, for one, sleep better at night knowing that any deviations from passage criteria at the dams will be discovered and corrected promptly, said Olney. What kinds of things are they looking for, in terms of juvenile passage? Cassidy asked. For example, ensuring that there is no excess buildup of trash in front of the trash racks, and that the spill that is occurring is optimally conducive in pattern and form to juvenile passage, Olney replied. DeHart noted that hourly spill volume and TDG levels are available via the FPC website.

Olney also cited the FPC's Smolt Monitoring Program as another key service the Center provides to the Fish and Wildlife Service and to the region. Another area that has been critical is technical support to the implementation of specific USFWS field work, in particular, our field surveys related to chum and chinook salmon spawning below Bonneville, Olney said. We have temperature and flow gauges at Ives Island; the FPC's expertise and technical support allowed us to set up a link that gets that data out real-time, Olney said. The recent development of the bull trout link on the FPC homepage is another example of an area where the FPC did an excellent job, Olney added – frankly, bull trout don't get any respect in this basin, in terms of fish passage, and we're doing what we can to change that.

Olney noted that, at times, the Fish and Wildlife Service has detailed staff to work on special projects at the Fish Passage Center, and to receive training in the specific areas of expertise within the Center. New personnel coming into the region really need to get up to speed quickly on the issues facing fish recovery in the basin, he said, and in this area, the FPC expertise has been invaluable as well.

Olney added that, despite a limited staff, the Fish Passage Center has an exemplary record in quickly turning around any studies or analysis the Fish and Wildlife Service has requested in the past. He also said that, in the Service's opinion, the Fish Passage Center is one of the most accurate and credible organizations working in the entire Columbia Basin – they play a crucial role not only in developing their own analyses, but providing constructive criticism on the analyses and activities undertaken by all of the players in the basin. FPC has also been somewhat controversial, particularly in the area of reach survival, he said – we have to be very careful, because we essentially have information on the first eight miles of what is in essence a Boston Marathon. The Fish Passage Center, in criticizing the extent to which reach survival data can be applied to management decisions across the basin, has not been uncontroversial, he added.

Don Sampson began his portion of this presentation by describing the people and processes that were instrumental in the creation of the Fish Passage Center. He described the old tribal water budget process, noting that, in CBFWA's comments on the Future Role of Bonneville Process now underway, that will likely be the tribal recommendation – a return to a tribal water budget over which the tribes have discretion.

With respect to the tribes' relationship to the Fish Passage Center, Sampson described the process by which tribal harvests are set. He noted that the information the FPC provides is critical to that process. As the FPCOB moves forward, he said, I'm glad I'm here to listen and understand what the role of this board will be. To the extent that we can look more broadly at juvenile and adult passage issues in the basin, creating an umbrella to oversee what is going on, that would be desirable, from the tribes' perspective, Sampson said. We have three people who work closely on a daily basis with the Fish Passage Center, he said, Bob Heinith being one. We rely on the FPC to compile mainstem operational data; we also asked them to provide us data on water quality to support tribal testimony to the state water quality agencies.

The FPC's fishway inspection program is also very important to the tribes, Sampson said; it was particularly critical last year, when flows were so low. We have assisted that effort through our Salmon Corps program, he noted, because the Fish Passage Center is so short-handed. We need to be sure that those facilities are operated according to established criteria, said Sampson. Our commission is very appreciative of the fact that the Fish Passage Center has been willing to help train Salmon Corps volunteers, he said.

We also rely upon the FPC's technical expertise in the Smolt Monitoring Program, as well as their expertise in deciding when to release fish from the tribal hatcheries, he continued. In-season technical support provided by the FPC is also crucially important to the tribes' ability to provide input to the in-season management process, Sampson said.

In summary, he said, the Columbia Basin tribes, the state agencies and the federal agencies all need the

expertise provided by the Fish Passage Center. That's why the tribes were very concerned by the Council's decision to establish an FPC Oversight Board, he said – we were concerned about having non-managers such as Rob Walton and Liz Hamilton involved in that Board, said Sampson. However, I'm very glad I attended today's meeting, not only to provide a tribal perspective on the need for the services the Fish Passage center provides, but because this has been a very informative morning.

Olney said that, looking back over the past 20 years, his view is that the FPC has made a great deal of progress in assembling the technical expertise that is so valuable for many parties in the region. They have also been a model of efficiency in assembling key staff that can support multiple agency and tribal needs. The Fish and Wildlife Service has played a major role in the oversight of the FPC over the years, he said, and for that reason, we, too were concerned about the Council's decision to form this oversight board. After 20 years of efficient operation, he said, I'm concerned about where this process is headed; I want to be sure we don't lose this resource and this very valuable interactive relationship. We were particularly concerned about the fact that the Fish and Wildlife Service has not been invited to become a member of the FPC Oversight Board, and about the fact that the Board seems to envision a role in the day-to-day operation of the FPC, Olney said. Once you step into that role, you can't just dabble in it, he said – you have to step into that in a big way. Olney noted that the USFWS has provided written comments to the Council to this effect.

Cassidy replied that, in his view, the FPC Oversight Board, as presently constituted, does not have the expertise to provide technical guidance to the FPC. Liz Hamilton asked whether, in the view of the states, tribes and federal agencies, the technical oversight provisions of the draft amendment language will help or hinder their ability to manage their fish and wildlife responsibilities. Sampson replied that one thing the tribes are always concerned about is the proliferation of processes in the region; we have primarily been involved in FPAC, and anticipate being involved in that forum in the future to decide what sorts of analysis and information is needed. We would work through the Oversight Board to gain a second layer of involvement, he said, but it is unclear to me how the decision-making process, terms of appointment and other process issues will function. We want to see where this process goes before making a commitment to it, said Sampson; however, I do know that having another process we need to attend could be a problem for CBFWA.

In response to a question from Hamilton, Cassidy said it is the Council's intent to replace the Fish Passage Center Advisory Committee. I must say that many of the salmon managers in this room are ignoring reality, which is that there is a huge problem in the region with respect to the representativeness of the Fish Passage Center, Cassidy said. Whether those parties are just complaining about information they don't like, or whether they have a valid complaint, is one of the questions we're here to try to answer, he said. Cassidy added that the draft amendment language is not carved in stone, and can be changed.

Sampson raised the concern that if the present makeup of the Council changes, the Oversight Board has the potential to become even less-friendly to the FPC. He also expressed concern about Bonneville's role in criticizing the Fish Passage Center, reiterating that the information the Fish Passage Center provides is key to the tribes' mainstem decision-making. Cassidy noted that the Council members who wanted to abolish the Fish Passage Center are now gone.

Nigro said that, in many ways, the Oversight Board appears to be in search of a problem, but hasn't really found one yet. He added that the draft amendment language represents a major change to the role and management of the Fish Passage Center – it goes well beyond increasing the representativeness of the FPC Oversight Board. He said. Cassidy replied that the creation of the FPC Oversight Board actually represents a compromise between Council members like him and Eric Bloch, who wanted the FPC to continue, and those who wanted to eliminate funding for the Center.

Olney made the point that, if a movement to eliminate funding for the Fish Passage Center ever gains serious support, the region's salmon managers will undoubtedly come together to make the point, as forcefully as possible, that the services the FPC provides are crucially important to the region. So how do we bring the nay-sayers on-board with that perspective, and have some meaningful dialogue? Cassidy asked. I think that could be one of the roles of this Board, Olney replied. I rest my case, said Cassidy.

We're dancing around the core of this issue, said Sando – there is a basic conflict of interest here. The FPC

was set up to improve fish passage, but the FPC's recommendations are often in conflict with the needs of the power managers and the action agencies. To me, he said, that is a conflict of interest – there is an issue here, where the message that comes from the data analysis and the salmon managers are causing heartburn to the power agencies. To me, he said, it is not acceptable that those very powerful regional entities should be using their influence to alter or eliminate the activities of the Fish Passage Center simply because they don't like what they're saying. To me, said Sando, we haven't had a real opportunity to confront the Center's detractors; if there are policy questions, let's deal with them on that basis. Let's bring the people who are criticizing the Center to the table, and have this discussion face to face, rather than simply shooting the messenger. It seems to me that the Council is caught in between the two forces, he said.

If there are tangible and legitimate concerns the FPC Oversight Board can address, well and good, said Hamilton. However, if there are others in the region who are criticizing the FPC simply because they don't like the message the data is giving them, that's to be expected, she said – there is a fundamental conflict between the needs of fish and the needs of hydropower producers. If we can all sit down together and discuss those issues face to face, she said, this Board will have value. If all we're going to get is vague charges that the Fish Passage Center isn't serving the needs of everyone in the region, then that's going to be problematic, she said.

What we need to ask ourselves as a board is whether the language in the draft amendment helps or hinders access to the Fish Passage Center's services for those who have relied on its work products for the past 20 years, said Nigro. It sounds to me like we have the basis for a very lively discussion at our next meeting, Cassidy replied. The bottom line is that if we don't make recommendations on the draft mainstem amendment language, it will be approved as written, said Cassidy – again, it is not carved in stone, and can still be changed.

Another issue is FPCOB membership, said Cassidy – should the tribes and others be full members, or just footnotes? Personally, I would err on the side of inclusivity, Nigro replied.

3. Review FPC Mission Statement.

It was agreed that this will be the first agenda item at the next FPCOB meeting agenda.

4. Review Data Collection Systems Being Utilized by the Council and the Region.

Cassidy said the Council has contracted with SAIC, which is in the process of collecting and summarizing all of the forms of data available for salmon and steelhead recovery. There is a myriad of data available on that subject, Cassidy said; he went through a few of these data sources. We really need to wait until the SAIC report comes in before engaging on a substantive discussion of this issue. He said; it is no more than 90 days from delivery. The purpose of that survey is to develop a central document collating all of that data? John Ferguson asked. Actually, it's simply to identify all of the forms of data that are out there, Cassidy replied. Personally, I think the report is going to be quite thorough and useful, he said – I think we want to wait until that report is available before we engage in substantive discussion.

Why is that relevant to this effort? Rob Lothrop asked. I'm not sure it is – the question was asked, and I just assumed you would want to see everything we use in our decision-making process, Cassidy replied. Personally, I would prefer to spend our time discussing the language in the Council program, Lothrop said – I think most of the salmon managers in the basin are familiar with most of the data sources out there. Cassidy said that, for example, his feeling is that the SYMPASS model does not address the data needs of the Council, particularly because it does not show impacts. For that reason, he said, we're looking to re-run some of our analyses using CRISP and FLUSH. The main goal of the SAIC analysis is to avoid duplication of effort, he said – also, there is a real need for regional acceptance of a common form of data.

RPA 198 says the states and tribes should develop a common data management system for water quality, fish passage and other recovery-related data, said Ferguson – the Council needs to be aware that the BiOp makes a similar call, he said. After hearing this discussion, Lothrop said that he does see some value in discussing this issue, with respect to a more global view of the FPC Oversight Board's role. It would probably be useful to get an update at our next meeting on what's happening with RPA 198, suggested Walton. It was so agreed.

So if the Board concludes, based on our review of this issue, that our mission should be expanded to include fish passage issues in a more general sense, there may be a role for this Board to advise the Council accordingly? one participant asked. Of course there is, Cassidy replied.

5. Discussion of Potential Comments Regarding FPC in the Council's Draft Rulemaking

It was agreed to devote the majority of the next FPCOB meeting to a discussion of this issue.

7. Next FPCOB Meeting Date.

The next meeting of the Fish Passage Center Oversight Board was tentatively set for late November (exact meeting date t.b.a.) Meeting summary prepared by Jeff Kuechle, NWPPC contractor.