

FISH PASSAGE CENTER OVERSIGHT BOARD NOTES

January 31, 2003, 9:00 a.m.-noon

**COLUMBIA BASIN FISH & WILDLIFE AUTHORITY
PORTLAND, OREGON**

I. Greetings, Introductions and Review of the Agenda.

The January 31, 2003 Fish Passage Center Oversight Board meeting, held at the Columbia Basin Fish & 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. Comments on the Draft Mainstem Amendment.

Cassidy said the main purpose of today's meeting was to discuss the submission of the FPCOB participants' comments on the section of the draft mainstem amendment dealing with the Fish Passage Center. Cassidy said that if this committee prefers to submit its comments as a group, rather than as comments from individual agencies, he will probably have to opt out, but the present draft documents are open for review, and whether we submit comments as a group or as individual agencies, those comments have to be submitted by February 7, Cassidy said. He added that he has told his fellow Council members that he will not vote for the mainstem amendment as it is currently drafted, so it will not pass unless it is substantially re-written.

Cassidy added that the ISAB report the Council has contracted for will now be delayed for two additional weeks, until February 15. The report will cover flow targets and spill, as well as flow/survival relationships, he said, adding that he has been reliably informed that this report is going to be controversial for both sides.

Obviously the current draft amendment is going to be changed in response to the comments that are coming in, Cassidy said, so we'll have to see how that process shakes out. The Council will also have to issue findings on the comments that are not incorporated into the plan, particularly for comments from the fish and wildlife managers.

Tony Nigro noted that Washington has already submitted its comments without consulting with Oregon and the other states; there may be some areas where ODFW and WDFW do not agree, he said. Nigro said he is currently working to complete Oregon's comments on the draft Amendment. Michele DeHart added that there is a possibility that Washington will be submitting some additional comments.

Again, said Cassidy, the main thing we need to discuss at today's meeting is the fact that our comments on the Fish Passage Center portion of the draft Mainstem Amendment need to be submitted soon; if you decide to do

that as a group, I'll guide you through that process, but probably won't be able to sign off on them, given my role as a Council member. Liz Hamilton and Rob Walton said their groups are preparing draft comments, but they are not yet ready for general circulation. Walton noted that there is considerable economic tension out there at the moment, and added that, given Bonneville's financial crisis, many of the utilities with which he is in regular contact are going to be recommending zero funding for the FPC.

Cassidy said the key point, from his perspective, is whether this group is going to endorse or oppose the purpose and function of the FPC Oversight Board as laid out in the draft Mainstem Amendment; he noted that, if the group plans to express his opposition to that role and function, he will have to recuse himself, because he is a Council member and the Council has already approved that language.

The group discussed the future role of the FPC, and the fundamental changes to the FPC management proposed in the Mainstem Amendment. In my view, there is no benefit to the region in making that fundamental change, said Nigro; the case has not yet been made for that change. He added that, in his view, there is a role for the FPCOB in endorsing the continued need for the services the FPC provides to the region.

Let me share a couple of thoughts, said Cassidy. First, the creation of FPCOB was a compromise; the other option was to de-fund the FPC. The idea was that we would put this board in place, with representatives from industry and from the power side, to add legitimacy to the FPC's work products, and to help defuse any suspicion in the region that the salmon managers, who are the recipients of the funding, are tainting the data the FPC is putting out in order to increase the amount of funding available. What's important is for this group to shape a recommendation as to how FPCOB will perform the role laid out for it in the Mainstem Amendment, he said.

It's important to bear in mind that, at least in my view, this oversight board is going to continue to exist in some form, and now is the time for you to stamp it with your recommendations as to what the form and function of that board should be, Cassidy said.

The key question, to Oregon, is what the relationship of this board should be to the FPC, as well as to fish passage issues basinwide, said Nigro. The real question is whether this board should manage the FPC, from an oversight and policy standpoint, with the understanding that technical issues would be addressed through CBFWA, Cassidy replied.

One of the questions before us is, are we comfortable with the assignments laid out for the FPCOB in the draft Mainstem Amendment? Walton observed. Frankly, my sense is that we are not, and that we should probably pass that concept along to the Council. Another key question is whether the language in the draft Mainstem Amendment is intended to say that the FPC is intended to be a support group for CBFWA alone, or a support group for the region, he added. Perhaps the thing to do is to get out the draft comments that have been developed so far, put them on the table, and use them as a starting-point for our discussion, Nigro said. It was so agreed.

The meeting resumed with Nigro distributing copies of FPCOB's draft comments on the section of the draft Mainstem Amendment dealing with the role of the FPCOB. Essentially, these comments are our attempt to capture the problems that initially brought us to this table, as well as what this board could consider bringing to the Council, Nigro said. It includes a proposed recommendation to the Council as to how to amend the relevant section of the draft Mainstem Amendment. One of those key recommendations is that FPCOB's name would be changed to the Fish Passage Policy Advisory Committee (FPPAC). The group spent a few minutes going through this document, offering a variety of clarifying questions and comments.

Cassidy said that, in reading through this document, there are many excellent suggestions; however, he said, what you're suggesting here is that the FPC be pushed back under CBFWA management. That's not a change, said Nigro – what we're saying is that, based on the review we've just conducted, changing the management of the FPC is not warranted at this time. Talking about how the FPC's work products are presented to the region is certainly worthy of further discussion, said Nigro, but the management issue is one we feel the Council is off-base on.

Cassidy noted that the change ODFW is proposing with respect to the name and function of the FPCOB is completely different from the role the Council envisioned for this group, and may be a tough sell. The purpose of the

change the Council is suggesting is to be able to tell Bonneville, that there is now an oversight board, whose members include power and sport fishing industry representatives as well as fish managers, who can assure Bonneville that their FPC funding is being spent as efficiently as possible, he explained.

After a few minutes of additional discussion, Walton observed that Cassidy has raised some legitimate questions about the draft FPCOB comments on the Mainstem Amendment; however, given the lack of a quorum at today's meeting, the group needs to circulate the draft comments document to the other FPCOB members before it can be approved for submission to the Council. Cassidy replied that time is of the essence, and that these comments need to be submitted to, or at least informally circulated among, the Council membership very soon – today, if possible. There are several baseline things that are apparent to me, Cassidy said – first, that the FPC does good work; second, that it should have a role in informing the region about that good work. The Fish Passage Center will always have its nay-sayers, he said; that's just a fact of life.

The discussion then turned to what would change, and what needs to change, if a more widely-representative FPC oversight board was to supercede the present FPC board. Cassidy said that, in his view, little would change. My question is, what needs to change? Nigro said – the burden of proof rests on the Council. If you want me to carry the message to the Council that CBFWA does not feel the Council has the right to dissolve the current board in favor of a more representative oversight board, I can do that, but I don't think you'll like the response you get back from the Council, Cassidy said. We've already informed them of that, Nigro replied.

Walton noted that the industry representatives on the Board, including him and Liz Hamilton, are likely to have opposite views on what CBFWA should be studying and how they should be studying it. Given that fact, he said, on a practical level, it's hard to see how that "broader representation" is going to influence the oversight board, as presently constituted, or to going to improve things in any meaningful way. We want to get this done right, Cassidy replied – if you can agree on a vehicle in which the FPCOB would work in partnership with CBFWA to achieve the Council's goal of greater regional acceptance of the FPC's work products, I'm certainly open to that.

Rod Sando suggested that language be inserted instructing the CBFWA executive director to engage in a consultation with the oversight board or the region about the management and oversight of the FPC, given the fact that the crux of the Council's concerns seems to be control of the CBFWA staff. I could also envision a structure in which the CBFWA executive director and a Council member or staffer would jointly oversee the work of the FPC director, with FPCOB providing policy guidance, Nigro said.

Is it fair to say that the current Fish Passage Center Board feel there is no need for FPCOB, and that, in fact, they are unconvinced of its legitimate right to exist? Cassidy asked. No, that's not true, Nigro replied – we accept the fact that the Council has created FPCOB. What I'm suggesting is that the CBFWA executive director retain oversight responsibility for the FPC, and formalize a consultation process with FPCOB when policy issues arise, he said. FPCOB, after all, does include a Council representative. John Ferguson said the Y in the road, to him, is whether the FPC is a regional, or a CBFWA, resource. Cassidy replied that, in his view, FPC needs to provide regional service. And there is nothing in this comments document that is inconsistent with that, Nigro observed.

With respect to next steps, Walton said he needs to bring this draft comments document to his board before it is officially submitted to the Council. You need to get your written comments in by February 7 – that's next week, Cassidy said. After a few minutes of additional discussion, it was agreed that the draft FPCOB comments document will circulate via email over the next several days, with the goal of developing a final set of FPCOB comments in time for submission next Friday.

With that, the meeting was adjourned. Meeting summary prepared by Jeff Kuechle, NWPPC contractor.