February 28, 2003

Ms. Judy Danielson
Northwest Power and Conservation Council
851 SW Sixth Avenue, Suite 1100
Portland, OR 97204-1348

Dear Ms. Danielson,

As members of the Fish Passage Center Oversight Board (Board), established by the Northwest Power and Conservation Council (Council) to advise it on matters concerning the operation of the Fish Passage Center, Rob Walton, Liz Hamilton, Tony Nigro and Tim Peone submit the following recommendations to the Council. These recommendations reflect our conclusions based on consultations over the past several months between the Board, Fish Passage Center staff, and parties with specific interest and experience in the operation and services of the Fish Passage Center.

The recommendations also reflect comments by John Ferguson, another Board member, who would not formally endorse the recommendations because his role as NOAA Fisheries' representative on the Board does not include policy making. However, John has stated that the recommendations are reasonable given what the Board has discovered during its review of Fish Passage Center operations.

The remaining two Board members have not endorsed the recommendations. Greg Schildwachter "has chosen to reserve judgment on the specific recommendation, but agrees that the process of developing and using data should be inclusive of the many interests in mainstem fish passage". Larry Cassidy has reviewed them and "cannot support all the inclusions" in the recommendations.

Background

In its 2000 Fish and Wildlife Program (p 28), the Council created the Fish Passage Center Oversight Board "to provide policy guidance [to the Fish Passage Center] and assure regional accountability and compatibility with the regional data management system." In its recently released Draft Mainstem Amendments to the 2000 Fish and Wildlife Program (pp 39-40), the Council proposes that the Board select the Fish Passage Center manager and review and evaluate the manager's performance.

The Board has met seven times to review the current policy context and protocols under which the Fish Passage Center operates and consider if and how Fish

Passage Center operations can be improved to "assure regional accountability and compatibility with the regional data management system". During its review, the Board has evaluated the merit of two issues associated with the Fish Passage Center that seem to have contributed to the Council's decision to create the Board:

- A perception, on the part of some parties, that the work of the Fish Passage Center, including scientific analyses of fish passage issues, has been biased or "interest-based" rather than neutral and objective. In particular, the perception has apparently been that the Fish Passage Center's work has not reflected the Council's obligation to balance fish (protect, mitigate and enhance) and power (adequate, efficient, economic and reliable power supply) needs.

- A perception, on the part of some parties, that the Fish Passage Center has been difficult to work with.

The Board learned during its review that the perceptions described above are not completely accurate, nor is the first perception unique to the Fish Passage Center – some parties have a similar perception of other organizations that participate in analyses of fish passage issues.

The Board also learned during its review that the Council's intent, as described in the 1994 Fish and Wildlife Program measures (5.1B.1- 5.1B.5) not superseded by the 2000 Fish and Wildlife Program, was clear -- the Fish Passage Center manager position is to be "designated by the federal and state fish and wildlife agencies and the Columbia River Basin Indian tribes" and the Fish Passage Center is "to provide expert assistance to the fish and wildlife managers in working with the power project operators and regulators to ensure that requirements for fish are made a part of all river system planning and operations". Although the Draft Mainstem Amendments propose changes in who designates the Fish Passage Center manager and broadens the Fish Passage Center purpose to provide expert assistance to the public in general, the current mandate of the Fish Passage Center is as described in existing measures and was the basis of Board's deliberations.

Discussion

It is clear that mainstem fish passage is a major issue in the Columbia Basin, important to numerous interests with major implications and impacts on fish survival and costs. A worthy goal for the Council and the Board would be to elevate the discussions and decision-making relating to fish passage to a "higher level" than that of an endless partisan, polarized interested-based dispute.

The following recommendation is intended to address the perceptions described above.

Proposed Recommendation to the Council: Amend the Section in the Draft Mainstem Amendments on Monitoring and Evaluation (pp. 39- 40) to reflect the following:

Selection and Reporting of the Fish Passage Manager

The fish passage manager shall continue to be designated by and report to the federal and state fish and wildlife agencies and the Columbia River Basin Indian tribes. Currently, the fish and wildlife managers designate the Executive Director of the Columbia Basin Fish and Wildlife Authority (CBFWA) as day-to-day supervisor of the fish passage manager and require the fish passage manager report to a Board of Directors comprised of fish and wildlife managers. The Council should not change this arrangement. However, CBFWA, not the Fish Passage Center, should be the primary point of contact with the public for requests for fish passage information and analyses. CBFWA is staffed to serve this role and it would better enable the Executive Director to manage the work of the fish passage manager by assessing how best to respond to public inquiries. It would also enable the fish passage manager to focus on management the Fish Passage Center. Toward this end, the Executive Director will review and authorize all assignments to and products from the Fish Passage Center.

Funds for the fish passage manager and for technical and clerical support in order to perform the functions of the Fish Passage Center shall be contracted and administered by an entity designated by the fish and wildlife managers. Currently that entity is the Pacific States Marine Fisheries Commission. The fish and wildlife managers should consider transferring that responsibility to the Columbia Basin Fish and Wildlife Foundation so that performance and fiscal management of the Fish Passage Center fall under the same organization.

Functions of the Fish Passage Center

The Fish and Wildlife Program shall retain those functions of the Fish Passage Center described in 1994 measures 5.1B.1-5.1b.5, with the following changes.

The Fish Passage Center shall continue to provide an empirical database of fish passage information **for use by the region** (not just fish and wildlife managers). The fish and wildlife managers, working with the Board, will ensure that the database conforms to appropriate standards for data management, including review of the database by the appropriate scientific or data review group. The Council will certify that the database meets appropriate standards.

The Fish Passage Center shall continue to provide analyses of fish passage information **for use by the region** (not just fish and wildlife managers). The fish and wildlife managers, working with the Board, will ensure that requests for analyses are considered promptly in the context of existing workload and will make a good faith effort to respond appropriately.

The fish and wildlife managers will provide a liaison position between the public and Fish Passage Center to ensure that all parties have timely and thorough access to the database. The fish and wildlife managers currently locate such staff positions in CBFWA. The liaison will assist CBFWA's Executive Director and the fish passage manager in tracking and responding to requests for Fish Passage Center goods and services. Web-based, automated and interactive access will be provided to the extent practical.

CBFWA's Executive Director will regularly consult with the Fish Passage Center Oversight Board on issues concerning the Fish Passage Center. The Fish Passage Oversight Board will continue its function as the regional forum for addressing Fish Passage Center issues and as the body that holds the fish and wildlife managers, through CBFWA's Executive Director, accountable for the effective operation of the Fish Passage Center. Toward this end, the Board will continue to work with CBFWA's Executive Director on the review of the Fish Passage Center's purpose, structure and function to ensure it is able to meet regional expectations for its goods and services.

Please feel free to contact any of the undersigned with any questions you may have.

Sincerely,

Rob Walton, for

Rob Walton, Liz Hamilton, Tony Nigro, and Tim Peone