

**FISH PASSAGE CENTER OVERSIGHT BOARD**  
**Meeting Notes for June 7, 2010 – Missoula, Montana**

Present: Bruce Measure, Doug Taki, Dan Goodman, John Ferguson, Paul Kline, Kerry Berg, John Shurts, Steve Crow, Karl Weist, Brian Lipscomb

On the Phone: Sue Ireland, Michele DeHart, John Platt, Rich Alldredge, Erik Merrill, Jim Ruff, Ritchie Graves.

Chairman Bruce Measure called the meeting to order at 2:34 pm.

The Fish Passage Center Oversight Board (FPCOB) discussed a set of draft guidelines for the Independent Scientific Advisory Board's (ISAB) review of Fish Passage Center (FPC) products. Measure and Kerry Berg led a discussion of the six proposed guidelines.

The first, Berg explained, deals with regular reviews of FPC and Comparative Survival Study (CSS) annual reports. Michele DeHart pointed out that the 2009 annual report was posted on the FPC website for public review last week.

Doug Taki questioned the phrase “when possible” in the language of the guideline. DeHart said if the ISAB review of a report takes more than 45 days, which is the length of the public review period, it could put the FPC past its contract-specified deliverable date for the report. Measure suggested the guideline say that a subgroup of the ISAB will begin its examination of a report when the report is released for public review, rather than “when possible.” Alldredge said he agreed.

DeHart again expressed concern that if the ISAB review takes too much time, there is the possibility the FPC could be late on its contract deliverable date to BPA. John Ferguson said she could inform the contract manager at BPA that a report is delayed because of ISAB review. I intend for the FPC to meet all of its contract dates, and I'd rather that Erik Merrill or someone else from the Northwest Power and Conservation Council (Council) make contact with BPA about that, DeHart said.

She noted that the ISAB review of the 2008 annual report was conducted a long time after the report was completed, and that the FPC addressed the ISAB's comments in its development of the draft of the 2009 annual report.

Measure noted that ISAB review is a Council request and not a BPA requirement. The Council would like to see the ISAB report done by the end of the public review period, he said. But, Measure added, it wouldn't be a big problem for the FPCOB or the Council to contact BPA and say part of the ISAB's review may not be done by the contract deliverable date. It's not a problem to have post-hoc comments on the FPC reports, but it would be nice to get them done in as timely a fashion as possible, Paul Kline said.

The group agreed the guideline should be redrafted to say that a subgroup of the ISAB will begin reviews of the FPC and CSS draft annual reports when the reports are released for their public response periods, rather than “when possible.”

Berg explained the second guideline, dealing with review of FPC technical analyses and memoranda. He clarified that the “ISAB liaison to the FPC” is Council staffer Jim Ruff. The board discussed three options for deciding what review assignments are made to the ISAB.

Dan Goodman said the options proposed seem to make the FPCOB’s responsibility “more diffuse” and may not be consistent with the board’s charter. If the requests for ISAB review are made to the ISAB liaison and not to and through the FPCOB, it looks like the board could be bypassed, he added.

I had a similar reaction, said Ferguson. He suggested the best option would be a “hybrid” of options 1 and 2, to make sure there is check-in with the FPCOB and that the board has an understanding of what’s being asked of the ISAB. The FPCOB is responsible for “turning in a report card to the Council” on how the FPC has done each year, and we need to know what’s going on in order to do our job, Goodman stated.

Measure said that Ruff should make sure that all requests for ISAB review are queued up in front of the FPCOB, either at its quarterly meetings, or through other communications with the board.

Measure suggested that option 2 be redrafted to include part of option 1. Goodman said the redraft should address a situation where the FPCOB thinks something needs ISAB review and the ISAB declines to do it.

Ferguson said the redraft should reflect that any interested party can bring a request for ISAB review of an FPC product to the ISAB liaison and that the liaison will screen the requests against certain criteria. The liaison would then take the requests to the ISAB, which would decide which items they have the time and interest in doing, he added. The FPCOB would then check that against what it thinks is important, Ferguson stated. It’s likely we would agree with the ISAB, but what if we didn’t? he asked.

Ferguson said a lot of the work of deciding what reviews will be done can be accomplished through phone calls. I don’t think there will be so many requests stacking up it will be a problem, added Taki.

The group agreed options 1 and 2 should be combined. Let’s start with this process, be flexible, see how it works out, and check in at the end of one year, suggested Ferguson. Measure said, if necessary, he would meet with the FPC to work out final language for this guideline.

Ferguson suggested that a fourth criterion for ISAB review of an FPC product could be added to the guidelines. It would involve an FPC product that calls for an operation that has never been implemented or evaluated before, and that isn’t being reviewed by others, he said.

DeHart pointed out that the FPC no longer makes recommendations and is an observer at TMT meetings. Recommendations are made by state or federal agencies or tribes, she noted. DeHart wondered if Ferguson is suggesting the ISAB review actions by management agencies. I meant decisions, such as proposing a new operation, which are based on FPC analyses, Ferguson said.

You may be getting into the management arena and beyond a review of FPC products, DeHart said. I am suggesting maybe these criteria “need to be tweaked a little bit,” Ferguson stated. Berg said staff would work with DeHart on a redraft of this guideline.

Measure explained guideline 3, dealing with the ISAB liaison to the FPC and FPCOB. We'll rely on Jim Ruff to be active in involving the FPCOB and keeping the ISAB aware of what's going on, he said. The group offered no changes to the guideline.

Measure explained guideline 4, dealing with "ISAB Administrative Oversight Panel General Assignment Approval." I sent a memo to the ISAB Administrative Oversight Panel asking for their review of this guideline, Merrill noted, adding he has not yet received a response. John Platt said Paul Lumley of Columbia River Inter-Tribal Fish Commission is preparing a response to the memo. Let's leave guideline 4 in place and wait for Paul's response, Measure suggested, and the board agreed.

Berg explained guideline 5, which deals with ISAB review subcommittees. This appears to forbid the ISAB from using ad hoc members for its reviews, said Goodman. The ISAB intends to continue to use ad hoc members for reviews, noted Ruff. The board agreed staff should rewrite the guideline to indicate that the ISAB may draw from its regular members or may use ad hoc members in reviews.

The FPCOB had no changes to proposed guideline 6, dealing with report distribution. Measure recommended that once a new draft of the guidelines is prepared, the board may decide to approve it via e-mail or teleconference.

The FPCOB then had a discussion with Randy Fisher, head of the Pacific States Marine Fisheries Commission, about his recent performance review of the FPC director. In January, we have a formal evaluation of all our employees, Fisher noted.

All of our employees' positions, including the FPC director, have specific descriptions and requirements, he explained. I review employees on the basis of various factors, including accountability, communication skills, creativity, collaboration, leadership, tact, and time management, Fisher said.

This year, for the first time, I did a formal review of Michele's performance, he reported. I talked to several people, including Bill Tweit, Rob Lothrop, Tony Nigro, John Ferguson, and Roy Sampsel, Fisher said. There were no real negative responses, and people said that the issues related to the FPC "had calmed down over the past two years," he stated.

Some people suggested that Michele could meet with the Council a little more often, Fisher noted. I asked if expectations of the job are being fulfilled, and the people I talked to said "yes," he reported. I then had a meeting with Michele, and that's my overview of the review, Fisher told the board.

Ferguson asked if the FPC's budget renewal is coming up under the Research, Monitoring, and Evaluation categorical review that is going on now. The FPC, CSS, and smolt monitoring program are part of the Accord projects, and there is an agreement that established the FPC budget, replied DeHart. If there's a proposal to change an Accord project, all Accord parties must agree, she added.

I forgot that the FPC is under the Accords, Ferguson said. It might be a good idea for you to keep the FPCOB apprised of where you are budgetarily so the stage is set for when the Accords expire, Measure added. You could consider including information about any budgetary needs

you see coming along in your annual report to the board, he suggested. I'll do that, replied DeHart. Fisher said he would probably do the same review process for the FPC director next year as he did this year. Measure thanked Fisher for his report.

The third item on the agenda concerned operating rules for the FPCOB. We've talked about whether we should have such rules, but we haven't moved forward on writing and agreeing to them, Measure noted. Council attorney John Shurts says we don't have to have them, but we can if we choose to, he added.

I'd like to appoint a subcommittee to work on this question and come up with recommendations as to whether we should go to a formal set of bylaws, Measure stated. Up to now, we've been rather informal, and our decisions have been made by consensus, he said.

Kerry will be the staff contact, and I'll "conscript a couple of people," Measure stated. But first, it was agreed that Berg would e-mail everyone what the board has done thus far on the question of operating rules. Shurts said he would review that package before it is sent out.

Ferguson said he is going to cease being a member of the FPCOB and has nominated Ritchie Graves for the Council to consider appointing to be NOAA's representative. Measure thanked Ferguson for all his contributions and noted he has been the board's "longest-serving member."

The board will propose the appointment of Graves to the Council, and the Council will likely make a decision on it at its July meeting, Measure said.

The next meeting of the FPCOB is scheduled for December 13 in Portland.

The meeting adjourned at 3:55 pm.

Prepared by Susan Whittington, NWPCC Contractor