

Independent Scientific Advisory Board

Northwest Power Planning Council

National Marine Fisheries Service

Columbia River Basin Indian Tribes

Terms of Reference

August 20, 1996, amended December 2, 2002, amended July 15, 2004

Preface

In 1996, the Northwest Power Planning Council (Council) and the National Marine Fisheries Service (NMFS) established the Independent Scientific Advisory Board (ISAB). The ISAB was formed to provide independent scientific advice and recommendations regarding scientific issues posed by the respective agencies on matters that relate to their fish and wildlife programs.

Effective the date of this agreement, these Terms of Reference are amended to add Columbia River Basin Indian Tribes as equal and permanent partners in the sponsorship of the ISAB.

I. Purpose

The ISAB is to foster a scientific approach to fish and wildlife recovery and the use of sound scientific methods in research related to the programs of the NMFS, the Council, and the Tribes. It is understood that the interests of NMFS relate particularly to anadromous fish conservation and management, while those of the Council and the Tribes include all fish and wildlife populations affected by operation and development of the hydroelectric system. NMFS is responsible for Federal stewardship of the Nation's marine and anadromous fish, and marine mammals. The Council is charged to "protect, mitigate and enhance" fish (anadromous and resident) *and* wildlife as affected by operation and development of the Columbia Basin hydroelectric system. The Tribes manage fish and wildlife resources on their respective reservations, are co-managers on ceded lands, and are responsible to ensure treaty provisions governing natural resources are secured to future generations.

II. Administrative Oversight Panel

An Administrative Oversight Panel consisting of the chair of the Northwest Power Planning Council, the Regional Administrator of the National Marine Fisheries Service and the Director of the Northwest Fishery Science Center as joint participants and a senior representative of the Columbia Basin Indian Tribes will provide administrative oversight for the ISAB and approve the annual work plan and budget. The panel will make appointments to the ISAB from a list of nominees developed by the Selection

Screening Panel appointed by the National Research Council. Final selection of ISAB members is made by majority vote of the three members of the Administrative Oversight Panel.

III. Scope of ISAB activities.

A. Relationship to sponsoring agencies.

The ISAB will address scientific and technical issues relating to the Council's Fish and Wildlife Program, tribal fish and wildlife programs, and the National Marine Fisheries Service Recovery Program for Columbia River Basin salmonids. Principal activities include, but are not limited to, the following:

- 1) Evaluate the Council's Fish and Wildlife Program scientific principles to ensure they are consistent with the best available science.
- 2) Evaluate the Council's Fish and Wildlife Program on its scientific merits in time to inform amendments to the fish and wildlife program and before the Council requests recommendations from the region.
- 3) Evaluate National Marine Fisheries Service recovery activities for Columbia River Basin stocks and aspects of the recovery process when requested.
- 4) Review the scientific and technical issues associated with efforts to improve anadromous fish survival through all life stages, based on adaptive management approaches.
- 5) Review and provide advice on priorities for conservation and recovery efforts, including research, monitoring, and evaluation.
- 6) Provide scientific advice and review of topics identified as critical to fish recovery and conservation in the Columbia River Basin.
- 7) Evaluate the scientific merits of plans and measures proposed to ensure satisfaction and continuation of tribal treaty fishing rights in the Columbia River Basin and other tribal efforts to restore and manage fish and wildlife resources.

B. Relationship to other agencies.

To the extent allowed by time and resources, the group should be responsive to questions and issues posed by the region's management agencies and other parties. Questions for consideration by the Board should be submitted to the Science Coordinator as described in (III.D.) below. The Council, Tribes, and NMFS will use the existing policy making bodies within the basin to review work

plans, schedules, and products for the ISAB. These parties should also use these forums to suggest ideas and issues for consideration by the ISAB.

C. ISAB role in setting its agenda.

The Board may also propose review of questions that are suggested by its own analysis. These will be submitted to the Science Coordinator and considered in development of the work plan described below.

D. Procedure for development of an annual work plan.

The ISAB is to review questions that are amenable to scientific analysis and investigation. Many questions pertaining to the recovery of the Columbia River ecosystem contain both scientific and policy aspects. The ISAB should confine itself to dealing only with scientific aspects of issues. The Board should review questions that are submitted to it and decide if the questions are amenable to scientific analysis. If not, the Board may respond that it is unable to address the questions or it may suggest aspects of the questions for which scientific insight would be useful.

Questions for consideration by the Board should be submitted to the Science Coordinator (IV.E.2). The Science Coordinator will bring these to the Executive Committee (V.C.2.a), which will schedule consideration of the issue within the ISAB work plan and identify needed personnel and other resources.

IV. Membership

Members of the ISAB should be experienced scientists with demonstrated achievement and high standing in their field. They will be chosen to fill specific areas of expertise that are needed by the group. Membership shall include scientists with expertise in Columbia River anadromous and resident fish ecology, statistics, wildlife ecology, and ocean and estuary ecology, fish husbandry, genetics, geomorphology, social and economic sciences, and other relevant disciplines. There should be a balance between scientists with specific knowledge of the Columbia River Basin and those with more broad and diverse experience. Members will be expected to provide objective scientific advice in a timely and professional manner, and work effectively in a multi-disciplinary setting. ISAB membership will be open to individuals employed by all agencies, institutions and organizations with the exception that members may not be salaried employees of the Council, the Tribes, or NMFS, or be a member of the Selection Panel.

To ensure coordination and avoid redundancy of efforts between the Independent Scientific Review Panel¹ and the ISAB, at least two members of the Independent

¹ The Independent Scientific Review Panel (ISRP) is established by the Northwest Power Planning Council under provisions of the Northwest Power Act (amended) to review proposals submitted for funding by the Bonneville Power Administration under the Council's Fish and Wildlife Program and related efforts.

Scientific Review Panel shall be on the ISAB. ISAB members should also be considered for appointment to the Independent Scientific Review Panel's Peer Review Groups.

A. Appointment Procedures

Members of the ISAB will be appointed by majority vote of the chair of the Northwest Power Planning Council, the Regional Administrator of the National Marine Fisheries Service, and a senior Tribal representative. They will base their appointments on a pool of candidates submitted by an ad hoc Selection Panel who will review nominees and make recommendations. Nominations to the board shall be solicited from the sponsoring entities as well as other agencies, groups and the public. While nominations to the ISAB may come from any of a variety of sources, members of the Board are independent scientists and do not represent the interests of the nominating entity or any other entity.

1) Purpose of the Selection Panel.

An independent Selection Panel will be constituted with the specific purpose of providing a pool of suitable candidates for board membership to the Council, NMFS, and Tribes. The selection panel will make recommendations regarding membership on the board giving careful consideration to the advice of the ISAB and Ex-Officio members regarding membership and needed expertise. They will also review nominations for qualifications to fill these needs using criteria specified below as well as their best professional judgment.

2) Constitution of the Selection Panel.

To maintain consistency and efficiency with selection process for Independent Scientific Review Panel members, the National Research Council will convene a three-member Selection Panel. Committee members shall be senior scientists familiar with the operation of scientific panels and the scientific issues faced by the Council, NMFS, and Tribes. A selection panel will be convened when vacancies arise on the Board.

3) Procedure of the Selection Panel.

The Panel will evaluate the credentials of the nominees, submit additional nominees if necessary, and recommend a pool of qualified candidates for potential appointment. This pool of candidates should span the areas of needed expertise and meet the membership criteria for the ISAB. The pool should be large enough to last through several rounds of appointments. The Selection Panel will operate with the advice and assistance of the Science Coordinator and the Ex Officio members of the Board. The Panel will make its recommendations to the Council, NMFS, and Tribes in writing, after which the Panel will dissolve.

B. Criteria for Membership

The following specific criteria should be considered in selecting members:

- 1) High achievement in a relevant scientific discipline which may include biology, ecology, fisheries, hydrology, river geomorphology, statistics, wildlife ecology, ocean and estuary ecology, fish husbandry, genetics, social and economic sciences, and other relevant disciplines.
- 2) A strong record of scientific accomplishment documented by contribution to the peer-reviewed literature or other evidence of creative scientific accomplishment.
- 3) High standards of scientific integrity, independence and objectivity.
- 4) Ability to forge creative solutions to complex problems.
- 5) Interest in and ability to work effectively in an interdisciplinary setting.

C. Length of Appointments.

Appointment to the ISAB will normally be three years. Appointments can be renewed once by majority vote of the Oversight Panel. Term limits of the members should be staggered to ensure continuity of effort. After an absence from the Board, ex-members are eligible for reappointment using the normal appointment procedures outlined above.

D. Ex Officio Members.

The Council, Tribes, and NMFS can each appoint one Ex Officio member to the group. Ex Officio members are excluded from voting membership on the Board. These members should be senior staff scientists that meet the criteria for ISAB membership (IV.B) and are familiar with the fish and wildlife recovery plans of the Council, Tribes, and NMFS. They will be expected to provide their scientific advice independent of the policies of their employing agencies.

E. Staff

1) Support Staff.

Meeting arrangement, fiscal management and other support functions will be provided by the Council, Tribes, or NMFS who may elect to use the services of another umbrella organization.

2) Science Coordinator

A Science Coordinator may be appointed by the Administrative Oversight Panel to assist the ISAB and to act as liaison between the Council, Tribes, and NMFS and the ISAB. The Science Coordinator will work closely with the Chair of the ISAB in establishing agendas, workplans and scheduling of projects by the group. The Science Coordinator may be supported under the general ISAB budget. The Science Coordinator will also be the point of contact between the ISAB and other organizations and committees in the region. He/She will act as a resource to the board and should be familiar with the policy and scientific issues that are likely to come before the board

F. Ad Hoc Members

The Independent Scientific Advisory Board may enlist ad hoc members to assist in reviews that require outside expertise. Ad hoc members may include Independent Scientific Review Panel and Peer Review Group Members. Such appointments can be made by the Executive Committee (section V.C.2) and as allowed by budget limitations. Temporary appointees to the group should be selected using the same criteria as for regular members (section IV.B) and are subject to the same rules regarding bias and conflict of interest as regular members (VI).

V. Procedures

The ISAB is a standing group that meets regularly throughout the year on a schedule established by the Chair of the Board and the Science Coordinator. Recommendations from the ISAB are reached by consensus. ISAB reviews should include the opportunity for outside input such as briefings from managers and other interested parties so that the ISAB understands the context of issues and potential management implications of ISAB technical advice. Where appropriate, ISAB reviews should include the evaluation of the technical impacts of alternative options relevant to an assigned question.

A. Meetings

The ISAB will meet on a regular basis. Members responding to assignments from the Chair of the ISAB will conduct much of the ISAB's work. Meetings will provide the opportunity to discuss work and formulate Board positions on assignments. Members are expected to place a high priority on attendance and participation in ISAB meetings.

Meetings are normally to be held at a location within the boundaries of the member states of the Council at intervals appropriate to the requirements of business. Summaries of meetings will be prepared by the support staff and approved by the Chair and will include the agenda, summary of actions taken, work assignments, and schedules.

B. Communication

The Chair of the ISAB will normally act as spokesperson unless another member is designated by the Chair to speak on specific topics. The ISAB will normally respond to questions or issues in writing, and public statements should be based on written opinions. All written communications shall be submitted to the Science Coordinator who will be responsible for distributing them to the Administrative Oversight Panel.

The Science Coordinator will act as the point of contact for requests to the ISAB. The Coordinator will ensure that these communications are conveyed to the ISAB.

C. Organization

1) Officers

a. Elections. Officers of the ISAB will be elected by secret ballot of the members presided over by the Science Coordinator. Ex Officio members are excluded from serving as officers or voting. Election of officers should occur at least 30 days prior to the expiration of the previous officer's term. An election of officers will occur each year.

b. Officers and Terms. Officers of the ISAB shall consist of the Chair and Vice-Chair who will serve one-year terms. At-large members of the Executive Committee (IV.D.2) a., below) will be elected and serve one year terms.

c. Duties of the Chair. The Chair is the executive officer of the Board. The Chair acts as the main spokesperson of the group. The Chair arranges for the time and place of meetings, makes or causes to be made a record of the minutes, sends or causes to be sent minutes and other documents to the membership. The Chair conducts the meetings; seeing that business is conducted in a timely and efficient manner and that each member has the opportunity to be heard.

d. Duties of the vice-Chair. The vice-Chair acts as Chair in the absence of the Chair and assists the Chair in preparation of agendas, minutes, and other duties.

2) Committees

- a. Executive Committee. A standing Executive Committee shall be formed that will consist of the Chair, the Vice-Chair, Science Coordinator and two at-large members of the Board. Ex Officio members of the Board will serve as non-voting members of the Executive Committee. The Executive Committee will address issues of procedure, workplan, and internal matters of the Board.
- b. Subcommittees. The Chair of the ISAB can designate members of the ISAB to form subcommittees to address specific topics. Each subcommittee should have a designated Chair who will be responsible for overseeing completion of the task. Subcommittees can include experts from outside the ISAB as necessary. Subcommittee members from outside the ISAB will be designated using the procedure outlined in III.F, above.

VI. Conflict of Interest

For the ISAB to function effectively, it must maintain its status and credibility as a deliberative scientific board. Members must not only avoid activities that create a conflict of interest, but those activities that may represent a significant appearance of conflict of interest or otherwise impair the credibility or status of the board. Given the controversial nature of many of the questions/issues that the ISAB must deal with, questionable professional or personal activities could easily undermine the effectiveness of the individual members and ultimately the ISAB as a whole. The goal of establishing these conflict of interest guidelines is to maintain the integrity of ISAB opinions. These guidelines incorporate the “Bias and Conflict of Interest” policy that is described in the ISAB terms of reference. As a general principle, the ISAB will follow the guidelines for bias and conflict of interest outlined in, “The National Research Council Policy on Disclosure of Personal Involvements and Other Matters Potentially Affecting Committee Service”(November 1992)(“the NRC Conflict of Interest Guidelines”).

“Bias” and “Conflict of Interest”

“Bias” relates to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association with a particular point of view or the positions or perspectives of a particular group. Such potential sources of bias are not necessarily disqualifying for purposes of ISAB service. Indeed, membership of the ISAB is intended to include individuals with a variety of interests, backgrounds and expertise. However, where bias impairs a member’s ability to view matters in a scientific manner and give fair consideration to new information it can jeopardize the member’s usefulness to the board.

“Conflict of interest” means any financial or other interest which conflicts with the service of the individual because it 1) impairs the individual’s objectivity or 2) could create an unfair competitive advantage for any person or organization.

Examples of Activities that Should Be Avoided

1) Members should avoid direct involvement in or public endorsement of projects or activities that will likely be subject to ISAB review such as those connected to the Fish and Wildlife Program of the Northwest Power Planning Council and the National Marine Fisheries Service Endangered Species Act recovery programs in the Columbia River Basin. Such an involvement would create a conflict of interest that would preclude participation of that member in the review of a project or activity, and could lead to questions regarding the ability of the ISAB as a whole to objectively judge the merits of the subject research or to provide objective scientific advice.

2) Members should avoid financial relationships with organizations receiving substantial economic benefit from the programs and activities connected to the Fish and Wildlife Program of the Northwest Power Planning Council and the National Marine Fisheries Service Endangered Species Act recovery programs in the Columbia River Basin. Such a relationship could potentially create a conflict of interest, particularly if the ISAB is asked to review the scientific merits of a project being proposed or conducted by the employing organization. Even though a member may excuse him or herself from reviewing such projects, the mere association with such a member may unduly influence other members of the ISAB.

3) Members, as individuals, should avoid taking public positions on issues related to the Fish and Wildlife Program of the Northwest Power Planning Council and the National Marine Fisheries Service Endangered Species Act recovery programs in the Columbia River Basin. Members should be especially conscientious in ensuring that their opinions as individuals are not perceived or construed to be those of the board or to result from board activities. Whenever possible, members should refer the public to NMFS, the Council or the Chair. The Council and NMFS, through the coordinators, should be kept informed of all outside contacts.

4) Members should avoid to the extent practicable identification as a major advocate for particular scientific, intellectual, or social causes that provide the appearance of undue bias relative to matters likely to come before the board.

Procedures

1) Conflict of Interest Review Committee. The committee is composed of the NMFS, Council, and Tribal Ex Officio members and the Chair of the ISAB. The committee will review disclosure forms and decide on actions to take when conflicts of interest arise.

2) Disclosure. By April 1 of each year, ISAB members will submit a completed “Disclosure of Personal Involvements” form to the Conflict of Interest Committee. Within the year, members are required to update this information if necessary. Disclosure information includes:

- Financial interests
- Research support
- Agency or group affiliations
- Public statements and positions
- Other circumstances or information

Disclosure information should identify any connection between the individual and programs or activities of the NPPC, NMFS, BPA, regional fishery managers and Indian Tribes, Northwest energy interests or other users of the Columbia River. Information submitted will be considered confidential.

Members are expected to take the responsibility of ensuring that real or perceived bias or conflict of interest on their part is identified prior to taking part in any project.

3) Review of Disclosure. Within 30 days of receiving the disclosure forms, the Conflict of Interest Committee will review the forms, meet and, if necessary, take actions as described below.

4) Actions. In the event a conflict of interest is identified, the Conflict of Interest Committee, in consultation with the member, will decide on the appropriate actions to take to resolve the conflict or the appearance of the conflict. The committee will use the NRC Conflict of Interest Guidelines for direction and, in some cases, will consult with the NMFS and NPPC staff attorneys. Potential actions to resolve a conflict or the appearance of a conflict include:

- a) The member can disengage from the activity that creates the conflict of interest;
- b) The member can resign;
- c) The member can be excused from all deliberations and decisions on matters arising in the course of the review for which that individual has a conflict of interest. The committee will maintain a written record of the deliberations and decisions from which an individual has been excluded; OR,
- d) The member can be assigned a minor role in the review at issue.

Effective the date of this agreement, these Terms of Reference are amended to add Columbia River Basin Indian Tribes as equal and permanent partners in the sponsorship of the ISAB.

/s/

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