

Joint Comments from the Public Power Council, Northwest RiverPartners, PNGC Power, and Northwest Requirements Utilities

December 13, 2018

RE: Comments on the NWPCC's Columbia River Basin Fish and Wildlife Program Amendment Process

Thank you for the opportunity to comment on the Northwest Power and Conservation Council's (NWPCC or Council) Fish and Wildlife Program (program) amendment process. These comments are supported by the **Public Power Council, Northwest RiverPartners, PNGC Power, and Northwest Requirements Utilities**. Our organizations collectively represent the Bonneville Power Administration (BPA) customers who fund the agency's fish and wildlife mitigation effort, as well as a broader array of multi-purpose river users. The NWPCC program serves a valuable function to the region in fulfilling its statutory charge of offering measures to, "protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management," of federal hydro facilities. Additionally, it is worth emphasizing that consistent with statutory direction, this should be accomplished, "while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply."

The Pacific Northwest's fish and wildlife mitigation effort is the largest of its kind in the nation and likely the world, yet it is a finite resource. As the program guides increasingly significant mitigation goals, this amendment process is an opportunity to prioritize projects, eliminate redundancies, and create efficiencies to provide the region with maximum biological benefit. Along those lines, we offer the following comments to guide the NWPCC in its effort.

Ensure a Direct Hydro Nexus to Fish and Wildlife Mitigation

The Pacific Northwest Electric Power Planning and Conservation Act (Act) assigned the responsibility for developing the program to the NWPCC because the numerous and sometimes conflicting recommendations from the region needed to be reconciled and incorporated into a framework consistent with directives in the Act. The program's given authority under the Act relates directly to, "fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project on the Columbia River and its tributaries." Therefore, the program and the projects it recommends for funding by BPA must have a clear and obvious hydro nexus.

Recognition of Other Processes and Agreements

The Fish and Wildlife Program has substantial overlap with the requirements of the FCRPS Biological Opinion (BiOp). Incorporating BiOp requirements by reference will support consistency as well as greater overall biological benefit to the region. In doing so the amended program would not only avoid conflict with BiOp requirements, but could also provide indirect benefit to ESA listed salmon and steelhead in projects and measures not specifically designed to support these species. Additionally, this incorporates the Fish and Wildlife Accords that have been negotiated with many of the region's states and tribes and ensures their appropriate scientific review.

Further, between this amendment process and the next, Federal Action Agencies will complete a NEPA Environmental Impact Statement and NOAA Fisheries will complete a new Biological Opinion. The program should demonstrate awareness of these processes and be flexible enough to incorporate the related actions upon their completion.

Prioritization and Scientific Review

In its annual report on fish and wildlife costs, the NWPCC states that approximately one-third of Bonneville's wholesale rate of about \$35 per megawatt hour is estimated to be associated with its Fish and Wildlife Program. Within this amount is the integrated program, guided by the Council's Fish and Wildlife Program, which is approximately \$250 million per year. This level of funding has reached the point where the program's current size is at capacity for adequate management by the NWPCC and Bonneville. Further increasing funding significantly increases the risk that funds could be expended unproductively and run afoul of the Act's charge to provide an economical power supply.

Prioritization

One way for the Council to ensure maximum benefits would be in establishing a prioritization methodology that promotes projects with clear goals and success metrics. Recommended proposals could be ranked by how well the proposal meets the following criteria:

- Links to hydropower impact
- Produces in-place, in-kind mitigation
- Improves ecological functionality, alleviates limiting factor(s)
- Produces broad biological benefits
- Benefits anadromous fish stocks, and particularly ESA listed species/stocks
- Improves the effectiveness of other projects or efforts
- Produces measurable results
- Represents a unique work effort (does not duplicate another project or effort)
- Utilizes cost sharing
- Represents the least cost alternative

This type of prioritization would assure the Council and regional stakeholders that the projects it recommends are providing value and helping to establish metrics by which the region can measure any mitigation project. Clearly determining the effectiveness of projects also aids the Council in determining which projects can be eliminated. This is a critical effort in finding funding for new projects while maintaining flat budgets.

Scientific Review

The Fish and Wildlife Program's credibility, in particular with the region's utility customers who fund it, is supported in large measure by the Council's requirement that there is rigorous independent scientific review of each recommended funding proposal. We fully support this long-held Council position. Moving ahead, the Council should also adopt the recommendations recently made by the Independent Science Advisory Board (ISAB) related to the program's guiding principles. Doing so will clarify the program mission, enable greater flexibility, and ensure consistent application of best available science. Further, it maintains the program's credibility as a science-based mitigation effort.

Research, Monitoring, and Evaluation

Approximately one-third of the fish and wildlife program budget is driven by research, monitoring, and evaluation (RM&E). While these are necessary in any scientific endeavor, the Council should ensure that the program is primarily mitigation based, not maintenance based. Vigilance in managing the percentage of the program that goes towards these study and maintenance efforts is necessary to ensure productive results.

This amendment process can develop an improved strategy for better and more cost-effective research, monitoring and evaluation. Steps to improve RM&E management include:

- Delineate research from ongoing monitoring
- Establish a policy framework to prioritize and recommend RM&E projects based on an evaluation of cost, risk, and certainty
- Ensure research is: 1) based on the best available science, 2) has appropriate study designs, 3) is subject to review by the independent science panels, 4) addresses issues raised by independent scientific review and peer review, 5) meets the necessary regulatory approvals consistent with all federal and state laws, 6) has a clearly defined scope and duration, and 7) is compatible with other research in the Columbia Basin,

Abiding by principles like these will enable the Council to transparently manage the RM&E measures and clear the way for reducing RM&E in favor of on-the-ground mitigation.

Programmatic Goals

The Council should use this process to improve its program goals. It can do this by clarifying the measure of success. Not only would this better the program, but it would also contribute to the regional conversation about what constitutes successful mitigation of hydroelectric development. While this will not be easy and will require coordination of several regional scientific bodies, the Council would be wise to begin with some of the ISAB's recommendations from its recent program review. Those we find especially relevant are recommendations that are derived from the question of, "What are we trying to conserve?" and follow with recommendations of a *stronger goal structure that includes quantitative objectives and strategies*.

The Council should also provide additional clarification on how ecosystem function goals and strategies are developed and measured. While admirable in attempting to holistically address the regional mitigation effort, the way in which ecosystem function is addressed is too broad and subsequently unclear. Clarification of the Council's intent in this arena would be helpful as the region discusses its ongoing mitigation strategy.

Finally, program amendments should prioritize goals that have a direct hydro linkage. Goals should reflect biological benefits generated by program efforts, which are targeted to address the electric ratepayers' responsibility described in the Northwest Power Act to "bear the cost of measures designed to deal with adverse impacts caused by the development and operation of electric power facilities and programs only."

Coordination

One of the great benefits the Council and its program provides the region is coordination. This includes coordination of mitigation objectives, shared understanding of regional scientific work, and a general accounting of mitigation work in and beyond the Columbia Basin. In amending the program, the Council should strive to provide even more coordination. Helping the region understand how to engage with efforts like the Federal Columbia River Power System Biological Opinion, the NEPA related Environmental Impact Statement, state and federal predator reduction efforts, ocean impacts on anadromous species, and the benefits of the FCRPS as a carbon free energy resource, the Council would further increase its value as a regional coordinator.

Providing comprehensive knowledge of regional efforts into a single entity would more constructively highlight opposing viewpoints, avoid duplicative efforts, encourage the most effective mitigation, and shine greater light on unproductive work.

We appreciate the Council's efforts to improve and modernize its Fish and Wildlife Program and commit to working with you and the fisheries managers throughout this amendment process