



June 12, 2008

Mr. Bill Booth, Chairman
Northwest Power and Conservation Council
851 SW 6th Avenue, Suite 1100
Portland, OR 97204

Dear Chairman Booth,

As public and private utilities and industry representatives, PNUCC members are committed to doing their part toward the larger goal of improving the survival of fish and wildlife populations in the Northwest. The Council's Fish and Wildlife Program plays an important role in this effort, and PNUCC appreciates having the opportunity to help shape the future of your Program. Fish and Wildlife protection and recovery can be a confusing process in our region; the unique leadership of the Council can bring order and create collaboration that will make the separate efforts more effective.

The amendments proposed in April by PNUCC and other power industry representatives were built on a foundation of five principles we hope will be reflected in the Council's amended Program. To review the amendments that were proposed by others we compared their recommendations to our principles. The following comments are a result of our review.

PNUCC members believe that the Council's Program should provide guiding principles and avoid prescriptive details. Keeping the language of the Program at a high-level allows the Council the flexibility to change the implementation of its Program to respond to new information over time. The language of the Council's Program should describe the general type of tasks that need to be done freeing the Council to make shorter-term decisions on how the work should be done and by whom.

PNUCC recommends that the Council reject proposed amendments that name or create funding allocations for specific projects, groups or entities. Canonizing specific projects or entities in the language of the Program will tie the hands of the Council until the next amendment cycle. The Program should receive feedback from its actions long before the next time the Program is amended and the Council should be able to tailor implementation as new information becomes available.

PNUCC recommends that the Council reject proposed Program amendments that add language or requirements from biological opinions, memoranda of agreement, subbasin plans and recovery plans. These documents should be treated as reference material, separate from the Council Program but available to enlighten the implementation of the Program. They also have different scopes than the Council's Program and it would be inappropriate and confusing to combine elements in the

language of the Program. In some cases, these documents are likely to change before the Council Program will be amended again, meaning that specifics from these documents (especially population status accounting and objectives) amended into the program would become inconsistent and obsolete. Keeping these documents referential will allow the Council to implement a Program that is complimentary and not deferential.

Implementation of the Council's Program, meaning the solicitation, selection and review of projects funded through BPA rates, should be focused on meeting the hydropower mitigation intention of the Northwest Power Act. The program needs to integrate objectives that are consistent with the Northwest Power Act specific to hydrosystem mitigation. For example, ESA objectives can be helpful to coordinate the Council Program at a high level to other regional efforts, but fail to inform implementation of the Program. To be truly integrated, the Program should be informed by the ESA but implementation should be guided by the Northwest Power Act through a focus on hydrosystem mitigation. The objectives for Program implementation should be consistent with this purpose.

The Council should reject proposed amendments that delineate adult abundance, smolt-to-adult return ratios or ability to support harvest as goals for Program implementation. All of these goals depend on actions that are beyond the implementation scope of the Council's Program as intended by the Northwest Power Act. Meeting or falling short of these types of goals will be influenced by land use practices, toxins, ocean conditions and harvest levels. Success or failure of Program implementation should not require the support of actions that are beyond Program or human control.

PNUCC recommends the Council reject proposed amendments that suggest goals or loss assessments based on historic abundance levels. To reiterate, success or failure of Program implementation should not require the support of actions that are beyond Program or human control. Impacts beyond the hydropower system make it impossible to return the region's ecosystem to pre-dam or pre-European American settlement conditions. Any goals or loss assessments based on historic abundance levels are inappropriate for the Council Program because unattainable historic conditions are needed to support historic population levels.

The Council should adopt the biological performance and environmental characteristic objectives for Program implementation proposed in April by the BPA customer associations in the place of the inappropriate goals currently in the Program. Measuring against these objectives will provide timely feedback and make it possible to directly evaluate the success of implementing the Program.

PNUCC supports proposed amendments that establish a project solicitation process based on the needs of fish and wildlife that includes requests for proposals. The Council's Program needs to provide an ecologically based implementation criteria that creates clear priorities for solicitation and selection of mitigation projects. Power

industry representatives propose that project selection use the following criteria after projects have received a favorable scientific review:

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

Although in-place, in-kind mitigation is preferred, we recognize that mitigation work will be done both at the dams and offsite. Indirect, offsite mitigation funded by ratepayers is appropriate only when direct mitigation actions cannot resolve impacts from hydropower; these offsite actions need to be clearly linked to an impact of the hydropower system.

PNUCC recommends the Council reject proposed amendments that inappropriately expand monitoring and evaluation in the Program. Evaluating the needs of fish and wildlife should not become the primary focus of the Program. The Program should be amended to increase the priority of funding on-the-ground actions and streamline the monitoring and evaluation aspects of Program implementation. BPA ratepayers are not solely responsible for funding a regional monitoring and evaluation effort. The monitoring of overall population and ecosystem health should be shared amongst the groups impacting those populations and ecosystems.

PNUCC recommends the Council reject proposed amendments that marginalize the role of the Council's independent scientific review panel and advisory board. It is vital that every project funded through the Council's program receives independent scientific review. In addition, the role of independent science panels should be expanded to further aid the Council in prioritizing projects and understanding how best to meet the implementation goals of the Program.

Thank you for the chance to comment on the amendments that have been proposed. PNUCC looks forward to continuing to work with you and your staff as you continue the process for amending the Program and as the new Program is implemented.

Sincerely,



Jim Sanders, Benton PUD
PNUCC Chairman