



November 3, 2006

Lynn Palensky
Fish and Wildlife Division
Northwest Power and Conservation Council
851 SW Sixth Avenue, Suite 1100
Portland, Oregon 97204-1348

Dear Ms Palensky:

RE: 2006-15 Comments on the NWPPC's June 29, 2006, Proposal to Add Province-Level Biological Objectives

The Public Power Council (PPC) appreciates this opportunity to comment on the important issue of setting objectives for the Northwest Power and Conservation Council's (Council) Fish and Wildlife Program. Through their managers, PPC's members operate their utilities to meet key objectives every day. We applaud the Council for exploring this issue, and we look forward to working with you on the development of meaningful and measurable objectives for the Fish and Wildlife Program.

PPC is encouraged by the Council's proposal to add biological objectives of certain types to its Columbia River Basin Fish and Wildlife Program. As the Council suggests, expressing these new objectives in quantitative terms would improve its ability to guide expenditures in the most effective manner, to evaluate the program's success, and to create a clearer view of the hydro system's responsibility to fish and wildlife.

Meaningful objectives are essential for sound management

As customers of the Bonneville Power Administration (BPA), PPC's members are providing an unprecedented amount of money for fish and wildlife mitigation. Although some argue it is insufficient, others claim it far exceeds appropriate levels. Ultimately, the measure of whether the spending is worthwhile or a waste of resources depends on the ability to demonstrate progress towards meaningful objectives. Although BPA's fish and wildlife efforts have produced positive results, these achievements are difficult to convey in the absence of consistent and meaningful ways of demonstrating progress toward a specific set of objectives.

Objectives ensure a clear view of what one wants to achieve and aid in the successful deployment of resources to produce desired results. The Council's Fish and Wildlife Program is a major investment of financial and human resources that demands clear objectives that can be measured and reported on during each step towards the goal.

Our member-utilities' managers are accustomed to managing to reliability standards, safety standards, and customer-service standards. Employees understand these standards, utilities invest to achieve those objectives, and they prioritize investment based on performance relative to those objectives. Our managers and their governing boards regularly have to make hard choices about what to fund and what not to fund. We welcome the same kind of process of review and evaluation in the Council's Fish and Wildlife Program.

The metric of adult returns should be supplemented by life-cycle metrics

A key objective of the underlying fish and wildlife program is to increase the total adult salmon and steelhead runs above Bonneville Dam, to an average of 5 million annually by 2025.¹ Although an increase in adult returns is an important goal of a mitigation program, it should not be the only objective or measure of a very complicated management issue. The full life cycle of the salmon comprises multiple stages, each of which is affected by different and numerous regulatory authorities, and also by conditions that are beyond the control of any authority. PPC urges the Council to establish life-stage-oriented objectives for its fish and wildlife program that will contribute to improving adult returns and that are directly tied to Fish and Wildlife Program actions.

PPC recommends development of the following:

- Direct measurements of the results of actions, e.g., measurement of survival at separate stages of the salmonid life cycle as a result of separate actions
- The ability to consistently measure the results of actions over time.
- A method to prioritize mitigation opportunities.
- The ability to evaluate cost-effectiveness of measures both within and across life stages.
- Flexibility to evaluate alternative measures to achieve an objective.
- Clear apportionment of responsibility among the Federal Hydro System and other entities (see following section).

The Council has an obligation to use the least-cost alternative for meeting a sound biological objective when evaluating program measures.² Currently, however, the Council has not set biological objectives that are sufficiently meaningful to provide for least-cost alternative analysis. Rather, any and all measures are simply deemed to contribute to adult returns. The Council should provide greater focus and clarity on the

¹ Columbia River Basin Fish and Wildlife Program, Basinwide Provisions, Section C(2) Objectives for Biological Performance

² Northwest Power Act, Section 4(h)(6)(C).

intended outcomes of significant investments made in the Basin. Doing so will help satisfy concerns that the current program use available funds in the best way possible to achieve the program's purposes.

Apportionment of Federal Hydro System's responsibility is called for

PPC acknowledges that the existence and operation of the Federal Hydro System affects the survival of juvenile and adult salmonid and resident fish. Further, we acknowledge that the creation of the dams inundated habitat that was historically used by fish and wildlife. As beneficiaries of the hydro system, we accept a mitigation responsibility, but we want efficiently and effectively to address those effects. In order to do this, the mitigation responsibility associated with the Federal Hydro System must be defined.

The Council's Fish and Wildlife Program is intended to protect, mitigate, and enhance fish and wildlife within the Columbia Basin.³ This responsibility includes but is not limited to effects of the Federal Hydro System on fish and wildlife.⁴ Because the Program purpose is broader than the Federal Hydro System, and because it is clear from the Northwest Power Act that BPA is to fund only those measures that relate to the impacts of the Federal Hydro System,⁵ it is important to delineate those responsibilities. PPC would welcome the opportunity to work with the Council on the development of an apportionment methodology, and believes that at a minimum, a screening process should be developed to ensure that any measures recommended to BPA for funding have a close connection to the effects of the Federal Hydro System on fish and wildlife.

Partner with Regulatory Agencies

As previously noted, the Northwest Power and Conservation Council Fish and Wildlife Program is intended "to protect, mitigation, and enhance all fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries." NOAA fisheries and U.S. Fish and Wildlife have clear regulatory authority for compliance with Endangered Species Act requirements for listed fish and wildlife within the Columbia River Basin. There is obvious overlap between the actions required under ESA and the Program. With coordination, actions under the Program and ESA can complement each other. Without coordination, actions under each could duplicate or counteract each other.

PPC urges the Council and the regulatory agencies to coordinate the establishment of Fish and Wildlife Program objectives and measurements with ESA requirements.

³ Northwest Power Act, Section 4(h)(1)(A).

⁴ See, e.g., Northwest Power Act, Section 4(h)(1)(A), describing that the program is to be "designed to deal with [the Columbia] river and its tributaries as a system."

⁵ See, e.g., Northwest Power Act, Section 4(h)(8)(C), providing that "[t]o the extent the program provides for coordination of its measures with additional measures (including additional enhancement measures to deal with impacts caused by factors other than the development and operation of electric power facilities and programs), such additional measures are to be implemented in accordance with agreements among the appropriate parties providing for the administration and funding of such additional measures." Congress also stated that BPA expenditures to protect, mitigate, and enhance fish and wildlife "shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law." Northwest Power Act, Section 4(h)(10)(A).

Council-Specific Questions

1. Should the Council continue working toward the goal of adopting quantitative biological objectives as described here into the fish and wildlife program through an amendment process under Section 4(h) of the Northwest Power Act?

Yes. Clear and measurable objectives for the program are needed and the current measure of adult returns is not sufficient. We recommend some form of performance standards by life stage. In addition, a realistic apportionment of Federal Hydro System's responsibility based on effects attributable to the Federal hydro System is necessary.

2. Is the premise correct that the effort to add biological objectives of this type and scale to the program is likely to be successful only if the Council and its regional partners first complete the technical preparation described here?

Not necessarily. PPC strongly supports the use of sound technical information upon which to develop the objectives. However, even prior to completion of the technical preparation, coordination work could be undertaken on the appropriate logic to support objectives and the apportionment of responsibilities under the program.

3. More precisely, would the proposed amendment process to add biological objectives to the program benefit from waiting until the products are available from the NOAA Hatchery Review and the NOAA Technical Recovery Team and recovery planning efforts, even if that means a delay until 2008 in the amendment process?

See answer above.

4. Is there a different approach and schedule that makes more sense for the Council to pursue to add objectives of this type to the program?

PPC does not at this time have a specific schedule to propose. However, we urge the Council to pursue this issue seriously and expeditiously. BPA estimates that it has direct expenses or forgone revenue of approximately \$700 million/year attributed to fish and wildlife. This level of investment demands clear objectives for the efficient and effective use of these funds.

5. On what basis could the Council pursue objectives if it proceeded without completing the technical work described here?

The Council could pursue ways to coordinate with NOAA Fisheries and the U.S. Fish and Wildlife Service, and ways to apportion responsibility among the Federal Hydro system and other entities, prior to completing the technical work.

Additionally, there may be some opportunity to begin work on the appropriate framework for and underlying logic of program objectives.

In closing, the region can take pride in the significant investment in fish and wildlife that it has made over the last 25 years under the Council's program. We are disappointed, though, that the region cannot collectively claim the value of these efforts, in part due to the lack of clear and consistent objectives and meaningful ways to measure them. An effort, led by the Council, to define those objectives more clearly would be a strong step in the right direction. We look forward to working with you, the tribes, federal and state agencies, and environmental groups on this important effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Showalter', written in a cursive style.

Marilyn Showalter
Executive Director