

Power Industry Amendments Council's Fish and Wildlife Program

Executive Summary

The Council's Fish and Wildlife Program (Program) plays a critical role in guiding fish and wildlife mitigation in the region. With some adjustments, the Program will better direct the region's fish and wildlife investments to address hydropower impacts. We believe our amendments help the Council update its Program to do just that. The power industry's proposed amendments are based on five primary principles:

1. the Program vision, objectives and strategies should address mitigation of hydropower impacts, rather than all human-caused impacts,
2. the Program should provide guiding principles and avoid prescriptive details,
3. the hydrosystem mitigation directed by the Program should complement other ongoing regional actions,
4. the Program should prioritize projects that directly benefit fish and wildlife and share costs with other agencies, and
5. the Program should provide an ecologically based framework that creates clear priorities for project solicitation and selection.

These principles will help refocus the Program on the clear mandates set forth in the Northwest Power Act which all relate to the region's hydropower system. Not only do these amendments return the Program to its original intent, they also increase the region's flexibility to respond quickly to new scientific information, make changes in project direction and funding as needed, and retain more control over the way Program dollars are spent.

1. The Program vision, objectives and strategies should address mitigation of hydropower impacts, rather than all human-caused impacts.

Our amendments modify the vision of the Program to refocus on specific hydrosystem impacts, as intended by the Northwest Power Act. They revise Program objectives to relate directly to improving conditions for fish and wildlife affected by the operation of the hydropower system.

The current Program vision is too broad and sets false expectations for BPA's contribution to regional fish and wildlife efforts, and its current goals are not easily measurable. This makes it difficult to evaluate progress towards achieving Program goals. We recommend that the current goals be replaced with more focused objectives and strategies. While increasing adult returns is important to the region, measuring population abundance is not a relevant way to test whether the hydrosystem is making sufficient progress to mitigate its impacts. Abundance numbers are clearly affected by other management actions, ocean conditions, population growth and additional factors beyond hydropower's control.

The inclusion of the Subbasin Plans in the Program has broadened the scope far beyond the effects of the hydropower system. We recommend the Council remove the Subbasin Plans from the Program and use them as reference documents, in a fashion similar to the way in which the Program references other regional plans such as NOAA's Recovery Plans. These are valuable resources for fish managers to use as they develop recommendations for Council Program funding, but should not be included in the Program itself.

In order for the Program to measure its successes and improve results over time, it must adopt ecologically based objectives that accurately reflect the scope and responsibility of the hydrosystem. We are proposing revised Program objectives for biological performance and environmental characteristics for: anadromous fish, resident fish, and wildlife. *See Attachment A for a more detailed summary of the proposed vision, objectives and strategies.* These changes will allow the Council, fish and wildlife managers, and utility customers to view a clearer picture of what has been done to mitigate for hydrosystem impacts and what remains to be accomplished.

2. The Program should provide guiding principles and avoid prescriptive details.

As a policy and guidance document, the Program should provide the direction and priorities for mitigating hydrosystem impacts. The Program should have flexibility to adjust implementation as new information becomes available. Our amendments create this flexibility by removing specific recommendations such as funding agreements for land and water acquisition and specific details on river operations. The amendments we propose also replace specific entity names with a description of the functions that need to be performed to improve the health of fish and wildlife.

3. The hydrosystem mitigation directed by the Program should complement other ongoing regional actions.

The Council is in a unique position to monitor the region's fish and wildlife activities, consider the value of those efforts and weigh in where changes would improve their effectiveness. The current Program, however, does not have a method for assessing whether current or proposed actions are complementary or counterproductive to other regional fish and wildlife mitigation efforts. Our proposed amendments emphasize the Council's unique position and encourage the Council to view other efforts in the region before implementing its Program. In this way, the Program can complement requirements in the federal Biological Opinion and ensure that the highest priority actions are certain to occur, as well as identify projects that are the responsibility of other entities.

Our amendments propose the Council develop an assessment of other fish and wildlife mitigation efforts in the Columbia River Basin. This assessment would be used to prioritize hydrosystem mitigation efforts. In addition, we recommend a stronger role for the Independent Scientific Review Panel and the Independent Economic Advisory Board. Taking these steps better enables the Program to complement other efforts without duplicating them, and creates a defensible independent scientific and economic review of the entirety of the Program.

4. The Program should prioritize projects that directly benefit fish and wildlife and share costs with other agencies.

Program funds should be spent to directly benefit fish and wildlife. The research, monitoring and evaluation completed in the Basin has created numerous opportunities to inform the Program direction. On-the-ground projects should be the highest priority. The Council should implement an interim budget allocation of 70 percent for on-the-ground projects, 25 percent for research, monitoring and evaluation, and 5 percent for coordination. Beyond the interim allocation, the Program should strive to increase the on-the-ground projects' share of the budget.

The Program should also prioritize projects where costs are shared with other entities. There is a limit to the annual budget of the Program and to maximize its efficacy, it must make its budget work to its greatest capacity. In order to achieve this goal, the Council should seek out projects that benefit fish and wildlife and do not need to be fully funded by ratepayer dollars.

Opportunities like these are preferable to projects that seek the same outcomes but require full funding by the Program.

5. The Program should provide an ecologically based framework that creates clear priorities for project solicitation and selection.

Our amendments provide a framework to identify and assess the highest priority needs and make specific requests for projects that address these needs. The current Program does not have a means of prioritizing needs for either the project solicitation or the project selection process. Our proposed framework establishes interim goals that support our Program objectives and strategies, includes a clear link to hydropower impacts and offers a suite of selection criteria that relies on review by the Independent Scientific Review Panel. *See Attachment B for a more detailed summary of the proposed Program Implementation.*

Proposed Vision, Objectives and Strategies for the Council's Fish and Wildlife Program

VISION

To successfully *coordinate and guide cost-effective, science based mitigation of hydrosystem impacts* in the Columbia River Basin.

PROGRAM OBJECTIVES

Program objectives are composed of two different types of objectives. *Biological performance* objectives are described in terms of biological response to changes in habitat or environmental conditions. And objectives for *environmental characteristics* are described in terms of the environmental conditions or changes sought to achieve desired population responses.

Anadromous Fish

Biological Performance

- Improve adult and juvenile survival at the dams.
- Improve survival of adult and juvenile fish in the reservoirs.
- Promote hatchery production that supports and does not conflict with recovery objectives.

Environmental Characteristics

- Protect productive mainstem spawning, resting and rearing habitat for salmon/steelhead.
- Protect, restore and connect tributary salmonid spawning habitat to the mainstem.
- Manage the hydrosystem to enhance natural flows to balance the biological benefits for various species and the multiple uses of the river.
- Improve ecosystem functions in the Columbia River estuary and near-shore ocean.

Resident Fish

Biological Performance

- Continue current hatchery substitution in the reservoir and tributary systems for blocked areas.

Environmental Characteristics

- Protect and enhance spawning and rearing conditions that support the needs of resident fish in upstream reservoirs and river reaches in a manner that balances the needs of anadromous and resident species in the lower parts of the mainstem.
- Manage the hydrosystem to enhance natural flows to balance the biological benefits for various species and the multiple uses of the river.
- For blocked areas, improve habitat conditions for native resident fish species.

Wildlife

Environmental objectives are more meaningful for wildlife; therefore we do not recommend biological performance objectives.

Environmental Characteristics

- Restore lost habitat function due to the development of the hydropower system.

STRATEGIES

Onsite Actions

Priority should be given to actions that can protect and mitigate harm caused to fish and wildlife at the dams and in the adjacent reservoirs.

Hydrosystem

Provide conditions within the hydrosystem for adult and juvenile fish that improves survival at the dams and in the reservoirs.

- Promote and support the most biological and cost effective usage of various passage routes for juvenile fish including: juvenile bypass systems, spill, turbine improvements and juvenile fish transportation.
- Prioritize actions for assuring successful upstream passage of adults.
- Support the implementation of reservoir operations to enhance natural flows.
- Implement predation control to improve survival in reservoirs.
- Protect and enhance mainstem and reservoir spawning and rearing habitat.

Offsite Actions

Offsite actions should be pursued as appropriate to achieve protection and mitigation when onsite actions are deemed insufficient to prevent or reduce harm.

Artificial Production

Only use hatcheries under the properly controlled conditions to enhance recovery and to meet Program objectives.

- Improve the effectiveness of hatchery programs by applying appropriate oversight.
- Ensure the ability for selective harvest by appropriate marking of hatchery fish

Wildlife

Pursue a one-to-one habitat unit mitigation program for construction and inundation losses and include wildlife mitigation as an integrated part of habitat protection and restoration.

Habitat

Enhance fish and wildlife habitats that are offsite from the project area when onsite mitigation measures do not meet Program objectives for protection and mitigation.

- Prioritize projects that benefit multiple species with the greatest need.
- Support increased efforts in the estuary and nearshore areas.

Harvest

Support selective fisheries that enable recovery of fish and wildlife populations.

Ocean Conditions

Consider the effects of ocean conditions on anadromous fish and use this information to evaluate and adjust measures to protect, mitigation, and enhance fish and wildlife populations to the extent they are impacted by development and operation of hydroelectric dams.

- Distinguish ocean effects from other effects.
- Manage for variability.

Proposed Program Implementation for the Council's Fish and Wildlife Program

This proposal takes a similar approach to the Council staff's recent recommendation for a categorical approach to project review and selection. It provides a framework to identify and assess the highest priority needs and make specific requests for projects that address these needs. In addition it establishes interim goals that support our Program objectives and strategies and offers a suite of selection criteria that relies on review by the Independent Scientific Review Panel. Elements of this proposal include:

Mitigation Evaluation

This is a report that comprehensively evaluates the past and present mitigation actions for fish and wildlife related to the Council's Program objectives. The evaluation will serve several purposes including:

- Facilitating coordination and integration between the Council's Program and other restoration/protection efforts,
- Demonstrating the investments and achievements of regional efforts for fish and wildlife,
- Identifying areas where current resources are allocated,
- Identifying areas in need of mitigation, and
- Providing guidance on resource prioritization and allocation.

The mitigation evaluation will be continually supplemented and updated.

Solicitation for Project Proposals

With the results of the mitigation evaluation, the Council and the Independent Scientific Advisory Board (ISAB) should work together to formulate interim goals that will provide iterative steps toward the overall program objectives. The interim goals will be designed to complement the fish and wildlife work of other entities in the region, and will provide short-term measures of Council Program accomplishments.

The region's fish and wildlife managers can advise the Council on measures that will progress toward the interim goals. After consideration of the fish and wildlife managers' recommendations the Council and BPA will issue targeted requests for proposals.

Funding Priorities

Determining priorities for the use of Program funds will occur prior to the issuance of requests for proposals. Once the Council has determined the measures that will be employed to meet interim goals they should prioritize the mitigation measures and indicate, at least generally, the appropriate level of effort or portion of funding for those measures.

As has been the practice, BPA issues and manages these contracts, is accountable for project performance, and provides reports to the Council on the status of the projects.

The Council should continue to follow the 70 percent anadromous fish, 15 percent resident fish and 15 percent wildlife distribution of effort for the Program. The Council should also work toward the interim allocation of 70 percent of the budget for on-the-ground projects, 25 percent for research, monitoring and evaluation and 5 percent for Program coordination. These budget allocations provide guidance, but should not be used as justification for increasing the total Program budget level.

Prioritization/Selection of Proposals

The Independent Scientific Review Panel (ISRP) will review the proposals in terms of scientific validity and effectiveness toward meeting specific interim goals. Within the budget categories, the Council will consider the results of ISRP review, and prioritize recommended proposals based on how well the proposal meets the following criteria:

- 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

Project Review

The ISRP will aid the Council in periodic review of projects. The ISRP will evaluate the projects on their contribution to fulfilling the interim goals of the Council and will add their findings to the mitigation assessment.