

CBFWA Fish and Wildlife Agencies’ and Tribes’ Amendment Comments

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Summaries and comparisons of the agencies’ and Tribes’ 2008 Fish and Wildlife Program (Program) amendment recommendations and Bonneville Power Administration’s (BPA) recommendations with the state and federal fish and wildlife management agencies’ and Tribes’ recommended resolution to the inconsistencies.

The Members of the Columbia Basin Fish and Wildlife Authority (CBFWA) have reviewed the recommendations provided to the Council for amending the Program. During the review it was noted that some of the recommendations provided by entities other than the CBFWA Members were inconsistent with the recommendations of the eleven tribes, four state and two federal fish and wildlife managers. Of particular concern were recommendations by BPA for amending the wildlife portion of the Program. The following table displays the inconsistency in recommendations by summarizing or providing excerpts from the BPA and CBFWA amendments and offering the state and federal fish and wildlife management agencies’ and Tribes’ resolution to the inconsistencies and in two cases where the amendments are consistent. The following table and issue resolutions are offered in response to the BPA recommendations. The Members of CBFWA expect the Council to provide due weight to recommendations of the fish and wildlife managers in the Columbia River Basin, regardless of whether those recommendations are specifically mentioned in the attached table.

BPA Recommendation	CBFWA Recommendation	Suggested CBFWA Resolution
Wildlife		
<p>1. Alternative Mitigation Tools</p> <p>Page 4. “When the program began, buying fee title to land immediately became the most popular means to protect habitat. Buying land continues to be popular but isn’t necessarily the most economic and efficient mitigation approach.” The BPA recommendations discuss:</p> <ul style="list-style-type: none"> ▪ Untapped potential for carbon and other ecosystem service markets and specifically discuss “working” 	<p>1. The Members of CBFWA are supportive of exploring methods to improve the efficiency of the Program where those efficiencies better meet the obligations of BPA to mitigate for the wildlife losses due to construction and inundation of the federal hydroelectric projects. The CBFWA amendments clearly support securing long term settlement agreements (2.3.4B). BPA however does not state how alternative mitigation tools and partnerships are more efficient and economic. The IEAB report for Task 116</p>	<p>1. <u>Resolution:</u> Easements or any other type of mitigation approach should manage for ecological function as described in the project management plan (CBFWA 2.3.2, 2.3.4B,D), provide permanent protection for priority species as described in the project management plan and have sufficient long-term funding to support the management plan (2.3.4D). Mitigation agreements should meet the state and tribal management plans and objectives which may include public access or</p>

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<p>forests for multiple benefits.</p> <p>The BPA recommendations on Page 17 and 18 include;</p> <ul style="list-style-type: none"> ▪ Test innovative, market-based habitat protection and improvement tools. ▪ Secure settlement and land management agreements; habitat conservation plans. ▪ Develop emerging markets for ecosystem services <p>Page 37. “BPA supports forging a new course by acknowledging and embracing innovative alternatives to form partnerships. The program has yet to deeply explore using market-based mitigation methods, such as mitigation banking, which can both maintain working landscapes and protect habitat. These could address the factors identified above (rising land costs, concerns over government ownership, scarcity of mitigation properties, interest in environmentally friendly working landscapes), drastically reduce operations and maintenance costs, and habitat improvement costs, and also provide carbon sequestration benefits.</p>	<p>(IEAB 2007a) in fact showed that the operations and maintenance costs associated with the Council’s Program are similar to the costs incurred for managing similar lands outside the Program.</p> <p>The fish and wildlife managers often use partnerships while implementing the Council’s Program for both the acquisition of lands and the management of those lands and will continue to do so where forming a partnership meets the fish and wildlife objectives under the Program.</p> <p>Partnerships also have potential pitfalls that need to be acknowledged. IEAB Task 117 report (IEAB 2007b) encourages partnerships especially in high cost areas but states (p.9): “Partnerships, especially if they rely on conservation easements, may not be a panacea.” The IEAB report goes on to state the costs of easements may approach 90% of fee-simple price which when combined with costs to establish the easement, and monitoring the performance of the landowner may make the easement more expensive than a purchase. There also could be a crediting issue if an easement is not in perpetuity (CBFWA recommendations 2.3.D). The crediting issue is also brought out in a recent paper</p>	<p>access to traditional tribal hunting or gathering which may or may not conflict with landowner objectives.</p> <p>The details for any partnering with emerging markets such as carbon markets or “working landscapes” will need to be developed through Program implementation with the fish and wildlife managers so that any such approach is consistent with the amended Fish and Wildlife Program and is consistent with the managers’ management plans.</p>
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<p>2. Page 9 An Ecosystem-Based program Implemented Through Partnerships - Dual Benefits to fish and wildlife.</p> <p>The primary focus of this section is BPA's position that the program needs to rely more on partnerships especially for off-site mitigation and the need for an ecosystem approach. Also included is "The program therefore needs to move away from a construct that separates out different habitat</p>	<p>by Paul Ashley (note this paper was prepared in response to an informal request by BPA and has not been reviewed by the fish and wildlife managers) where he provides potential recommendations for mitigation credit on easements of different time periods (Ashley 2008a).</p> <p>CBFWA amendment recommendation (2.3.4D) includes language for crediting which any "alternative" approach would need to meet including permanent protection, benefits to priority species. The specifics on how to implement the wildlife mitigation program through the use of ecosystem markets clearly have not been fully explored and vetted.</p> <p>2. The fish and wildlife managers support an ecosystem approach to implementation of the Program. The CBFWA amendment recommendations include an emphasis on managing wildlife lands for ecological function (2.3.2) and include an ecological approach for quantifying operational losses (2.3.4A). However it needs to be recognized that the Program's approach to mitigation for construction and inundation losses through incorporation of the loss ledger (2000 Program table 11-4 and</p>	<p><u>2. Resolution:</u> Incorporate the CBFWA recommendations into the Program. Specifically in this case, we are referring to sections 2.3.2, 2.3.4A and 2.3.4D.</p>
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<p>mitigations for artificially grouped species (such as resident fish and wildlife having different habitat needs from anadromous fish) and towards an ecosystem-oriented focus.</p> <p>Dual benefits to fish and wildlife are also mentioned on page 37 through the use of innovative partnerships.</p>	<p>CBFWA recommendation 2.3.1) is different than the resident fish and anadromous fish mitigation strategies. The fish and wildlife managers support acquisition of lands for wildlife mitigation that could provide benefit to resident and anadromous fish or the acquisition of lands for fish that also provide benefits to wildlife. In those latter cases, wildlife crediting should be resolved through the crediting forum as described in recommendation 2.3.D.</p> <p>The CBFWA recommendations for operational losses (2.3.4A) also state, "Existing and future habitat actions implemented to benefit anadromous fish may be suitable mitigation for some of these impacts."</p>	
<p>3. RM&E</p> <p>Page 30. "Per ISRP recommendations, explore least-cost means that document species response to habitat acquisitions and improvements. When available, rely on existing data sources such as Audubon bird counts, game harvest surveys or field work produced in academia.</p>	<p>3. The CBFWA recommendations (2.3.5) call for RM&E programs to support management plans to track trends in ecological functions, to provide data to assess the effectiveness of management actions and to effectively implement adaptive management. As opposed to relying on other programs for species responses the CBFWA amendment will complement and be consistent with larger</p>	<p>3. Resolution: Incorporate the CBFWA amendment recommendations 2.3.4E and 2.3.5 into the amended Program. Through Program implementation, explore development of pilot monitoring programs, such as the UCUT approach, for regional application.</p>

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<p>4. Active vs. Passive Management</p> <p>Page 31. “To facilitate better decisions about allocating limited funds, the ISRP (review of subbasin plans) recommended that the biological and economic costs and benefits of active and passive management practices should be evaluated, and these should be compared with the costs and benefits of land acquisition or protection.</p> <p>Page 37. “The Program should also consider the comparative habitat benefits of passive land management techniques versus benefits from active management.”</p> <p>5. Crediting and Annualization</p> <p>BPA includes a relatively lengthy discussion on crediting and annualization, some excerpts follow.</p> <p>Page 37. “BPA has consistently taken 1:1 credit for its mitigation actions...”</p> <p>“On several occasions BPA documented</p>	<p>scale efforts. The pilot monitoring program included in the Kalispel Tribe and Upper Columbia United Tribes’ recommendations offer one potential approach for the region.</p> <p>4. The CBFWA amendments do not speak to active or passive management <i>per se</i> but focus on the need to manage for ecological function consistent with subbasin plans, state conservation strategies, and tribal management plans (2.3.2) and to assure funding to manage for habitat and ecological objectives as expressed in project specific management plans (2.3.4, 2.3.4C) including the necessary monitoring and evaluation. Whether active or passive management is the preferred approach would depend on the management plans and current condition of the habitat as well as threats to the habitat (such as noxious weeds) from adjacent lands.</p> <p>5. The CBFWA recommendations support the 2000 Fish and Wildlife Program that calls for BPA and the fish and wildlife managers to complete mitigation agreements that; “should equal 200 percent of the habitat units (2:1 ratio) identified as unannualized losses of wildlife habitat from construction and inundation of the</p>	<p><u>4. Resolution:</u> Incorporate the CBFWA amendment recommendations 2.3.2, 2.3.4 and 2.3.4C into the amended Program.</p> <p><u>5. Resolution:</u> Incorporate CBFWA amendment recommendations 2.3.1 and 2.3.4D into the Program.</p>
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<p>why it settled on a 1:1 mitigation crediting ratio...”</p> <p>Page 38. Approximately 90% of all mitigation proposals have been for fee title acquisition based upon the manager’s recommendations, yet although it is the preferred method of the managers and costs the most, the managers argue fee title should accrue the least credit.</p> <p>“Nevertheless all but one have all signed agreements over the last 19 years that expressly adopt 1:1 crediting or are premised on 1:1 crediting”</p> <p>In regards to capitalization, “BPA worked with its independent auditors to do something unique in the utility business: capitalize land acquisitions for wildlife habitat” to do so BPA had to demonstrate that the habitat acquisitions helped to irrevocably retire a known debt or obligation premised on 1:1. “Attempts to change the credit BPA takes or deserves could potentially breach mitigation contracts. It also could thwart BPA’s ability to capitalize future wildlife acquisitions</p> <p>“Guidance. The program needs to</p>	<p>federal hydropower system as identified in Table 11-4...” (Page 30-31). The CBFWA recommendations (2.3.1) includes Table 2.3.1 to replace Table 11-4 in the 2000 Program reflecting a 2:1 ratio which defines the construction and inundation mitigation obligation. Past mitigation agreements between the fish and wildlife managers have credited projects at a 1:1 credit ratio <i>for those projects</i> but do not change the Program’s strategy of mitigating 2 HUs for each HU lost.</p> <p>There is precedent for greater than 1:1 crediting in the Basin such as the agreements between the U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for the Lower Snake River dams (Ashley 2008a). The CBFWA recommendations include creation of a Wildlife Crediting Forum for BPA, the Council and the fish and wildlife managers to work through crediting issues (2.3.4D).</p>	
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<p>acknowledge the binding legal plans and commitments by wildlife managers in their mitigation agreements to support BPA taking 1:1 credit.”</p> <p>Page 38 and 39 Annualization. In past programs the regional wildlife managers recommended the Council adopt annualized FCRPS construction and inundation losses with a 3:1 crediting ratio. “The Council incorporated annualization obliquely as part of a rounding exercise when it adopted a 2:1 crediting ratio.” “The Council rejected annualization in the past and should continue to do so in the future”</p> <p>“Guidance: Annualization lacks scientific support. The Council should continue to reject calls to try to annualize the wildlife loss assessments”</p> <p>6. Out-of-place and Out-of kind Mitigation, Species Stacking. Primarily discusses the situation in the Willamette, Albeni Falls with mention of southern Idaho. The BPA recommendations discuss problems with species stacking and HEP in the Willamette and Albeni Falls, referencing Ashley 2008b). The BPA recommendations offer the following</p>	<p>6. The CBFWA recommendations acknowledge that there are problems with HEP and support investigation of alternative habitat methodologies (2.3.3). The HUs as established in the loss assessments are the currency used in the Program to account for mitigation of wildlife losses due to construction and inundation of the federal hydropower system.</p>	<p>6. Resolution: Incorporate CBFWA recommendations 2.3.1, 2.3.4 and 2.3.4D into the Program. Continue discussions regarding the Willamette and Albeni Falls and other loss assessment irregularities with the appropriate managers through Program implementation.</p>
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<p>guidance for the Willamette:</p> <ul style="list-style-type: none"> ▪ Use CHAP in the Willamette. ▪ Use an acre for acre approach letting the managers and NGOs select acreage. ▪ Regardless of the alternative chosen multiply Willamette losses by .6 to offset the excess losses above the affected pool area included in the assessments. <p>For Albeni Falls BPA provided the following guidance:</p> <ul style="list-style-type: none"> ▪ Credit all past and future mitigation using the same number of target species for each habitat on the mitigation site as was used for each habitat type in the assessment. ▪ Apply an acre for acre approach letting the managers and NGOs select acreage. <p>7. Model Management Plans BPA has the following recommendation (page 43):</p> <p>Page 42. Under Model Management Plans the BPA document states the plans should include “Steps to fulfill the project or land manager’s</p>	<p>There is little precedent for using acreage instead of HUs as a currency for BPA mitigation. There is also considerable variation in the methodology of the original loss assessments across the Columbia Basin. The Program describes these losses and does not address loss assessment irregularities. Discussions about addressing these concerns should be on-going and between the wildlife managers, the Council, and BPA. They should not be described as specific measures for subbasins and included in the Program.</p> <p>While NGOs are important partners in the wildlife program any mitigation or change in mitigation strategy must meet the intent of the Program including permanent protection of the wildlife habitat and benefit priority wildlife species (2.3.4D).</p> <p>7. The CBFWA recommendations emphasize the importance of the project management plans for establishing funding needs, crediting, and monitoring and evaluation (2.3.4B, 2.3.4C, 2.3.4D, 2.3.4E) and are willing to further discuss a framework or template for project management plans through the upcoming</p>	<p><u>7. Resolution:</u> Fish and wildlife managers work with Council staff and BPA during the wildlife project review and Program implementation to develop a framework or template for project management plans.</p>
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<p>commitments in any agreements with BPA. Many MOAs, for example, call for the land manager to achieve and maintain native habitat and species diversity on a self-sustaining basis.”</p> <p>Page 43 includes the following recommendation:</p> <p>BPA and resource managers should develop a template for habitat management plans for mitigation acquisitions. Use with new agreements and projects; phase into existing projects as current plans and agreements expire or get revised.</p>	<p>wildlife project review process and through Program implementation.</p>	
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References

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Independent Economic Analysis Board (IEAB) 2007a. Investigation of Wildlife O&M Costs. Independent Economic Analysis Board Task Number 116. October 30, 2007.

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Ashley, P. 2008a. Crediting White Paper. February 11, 2008