

Appendix E

MINORITY OPINION

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On December 14, 1994, the Northwest Power Planning Council amended its Columbia River Basin Fish and Wildlife Program to improve salmon and steelhead survival. While we support the fish and wildlife restoration goals of the Northwest Power Act, the law that created the Power Planning Council, we voted against the recent fish and wildlife program amendments for several reasons.

First, we voted against the amendments because some of the major actions -- such as the river velocity measures in Section 5 -- rely on a scientific foundation that we find unconvincing. These amendments are unlikely, in our opinion, to help fish.

Second, we believe the amendments, as a whole, will impose huge costs on the region's ratepayers. These ratepayers finance most of the salmon recovery work. The amendments also will be costly for others who use the Snake and Columbia rivers.

Third, we voted against the amendments because they were rushed to adoption in a process motivated more by politics than by biology.

This is not to say we opposed all of the amendments. We supported many. For example, we supported the amendments establishing new operating rules for Hungry Horse and Libby dams that will protect reservoir biology from deep drawdowns in all but the most extraordinary conditions. Other features such as accelerated diversion screening, hatchery reforms, harvest restrictions and surface collectors are entirely appropriate.

Our concern with the amendments as a whole, however, has to do with the underlying assumption that salmon and steelhead survival can be increased by further manipulations of the Snake and Columbia rivers. The theory is that higher river velocities during the spring and early summer, when juvenile fish are migrating to the Pacific Ocean, will increase their chances of survival to adulthood by moving them more quickly to the ocean. This increased velocity will result from higher flows or the "drawdown" of reservoirs.

There have been two recent major analyses of drawdown: one done by the U. S. Army Corps of Engineers and the other by a highly reputable engineering firm hired by the Council. Neither found any significant benefit to drawdown except under the most extreme conditions -- that is, all the way to natural river configuration. The drawdowns called for in the Council's recent amendments are less extreme. We couldn't support those drawdowns because they provide such minimal and speculative gain, and without knowing a lot more, we certainly would not support drawdowns to natural river conditions -- tantamount to removing the dams.

Central to this skepticism about the merits of drawdown is the following:

Last year the Scientific Review Group, independent scientists impaneled by the Bonneville Power Administration and the Columbia Basin Fish and Wildlife Authority, told us they question whether salmon survival would necessarily be increased by further focusing of recovery actions on management of the river system. These scientists concluded that while it is important to improve river conditions, further improvements may make very little difference until conditions improve in the ocean. That contention is reinforced by the work of other scientists, who also believe poor ocean conditions may override any mitigative work undertaken in the river environment.

This doesn't mean we believe the hydropower system hasn't damaged salmon runs. Certainly, dams have hurt the Columbia Basin's salmon. But the ongoing debate over river flows, velocity and salmon survival is just that -- a debate, and it hasn't been resolved. It must be kept in mind that the region has been experimenting with "increasing velocity" since the early 1980s, to the extent that we now dedicate 70 percent of our reservoir capacity to fish flows. By our conservative estimate, the region has spent in excess of \$2 billion in the last 14 years on a fish and wildlife program whose centerpiece is the higher-velocity hypothesis. Even with all this money spent, our fish runs are poor and we really are no closer to resolving the flow/survival debate. Just last May, the Council amended the fish and wildlife program with language that calls for concentrated scientific research to investigate this puzzle. That was six months ago. We don't know anything today that we didn't know then, but the Council has now ordered up more of the same in a plan that could cost the ratepayers of this region in excess of \$2 billion more over 20 years. So, in our view, too much of the very expensive new plan is based on the same old uncertainty.

Now, about cost. With the recent amendments, the Council program is going to cost nearly half a billion dollars a year -- \$177 million in addition to the \$250 million our program already costs. Incidentally, these costs are underestimated because they refer only to Bonneville Power Administration costs, ignore utilities' costs and all indirect impacts and are premised on water conditions much better than we have had in recent years.

Even if we could be sure of benefits, the Council must be very careful with measures that affect the region's power system, and we simply aren't comfortable committing to another huge sum of money based on the available flow/survival evidence. About two-thirds of the electricity we use in the Northwest comes from the Columbia Basin's dams, and this system is already pushed to the ragged edge. This plan imposes more costs, further reduces the system's capacity and throws system reliability into question -- all of this without a good understanding of the consequences.

Additionally, the Council rushed its deliberations and its decision. As a result, it did not do the best job of engaging the public, of evaluating the science, of studying the costs, of debating the choices, of considering the alternatives, and so on. But for our headlong rush, the Council could have heard information which could have been useful in our deliberations. For example, the National Marine Fisheries Service plans to release its draft recovery plan for Snake River salmon in January 1995, and it would have been useful to review that plan before finalizing the amendments. In addition, the Columbia Basin Fish and Wildlife Authority, which represents Indian tribes and state fish and wildlife agencies in the Northwest, plans to offer the Council its recommendations on river flows in March.

In the Council's deliberations in this rulemaking, a number of arguments were advanced in support of going ahead with a decision in December 1994. None was persuasive, in our opinion. For example:

- Some thought the Council needed to vote in December because the salmon -- particularly the endangered species in the Snake River -- couldn't wait for us to impose additional protections. We believe those salmon will be protected by the National Marine Fisheries Service, and, in any event, most elements in our plan offer little for Snake River salmon in the near term.
- Some believe that the Council had to amend its program before the Fisheries Service releases its recovery plan. Unless we were trying to set the stage for the Fisheries Service by including measures such as drawdowns, we were rushing for the sake of rushing. This is not a competition. The issues are too critical -- to the fish, to the region's economy and to the power system. We believe that if the Council and the Fisheries Service both use the best science to fulfill their legal mandates -- ours under the Northwest Power Act, theirs under the Endangered Species Act -- our separate paths ultimately will reach the same conclusion.
- We were told that our amendments must be finalized before new Council members are appointed in January because collectively the learning curve of new members would hinder our progress. That is a convenient assertion. In truth, the new Council members will be every bit as likely to accomplish things for fish as the old Council, and this action was taken in the face of two Governors and seven of eight U.S.

Senators asking for a more deliberate pace. For any plan to be successful, it must be embraced more widely than this one will be.

We sought to persuade the rest of the Council that the amendments needed more scrutiny and additional public comment. In particular, we believe there should be a better analysis of the potential costs, impacts and implications for system reliability. But the majority chose to go ahead, and while we respected their right to make that decision, we disagreed with their conclusions. It is our belief that these particular fish and wildlife program amendments were developed too quickly. They will cause the region to spend money it doesn't have and use water that isn't available. They ignore such science as there is, and they are unlikely to be implemented. Even if they are implemented, we are not sure many of them would help fish -- or that we ever would know if they did.

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