5-13-2004

SLIDES: Lessons Learned from the Development and Implementation of an Adaptive Management Plan at Three Hydropower Plants in Northeastern Washington State

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Citation Information

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Lessons Learned from the Development and Implementation of an Adaptive Management Plan at Three Hydropower Plants in Northeastern Washington State

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• 11 slides (including this one and the title!)
• Main Points.
• Pacific Northwest Experience.
• Considerations.
• Oil and Gas Development.
• Conclusion – Main Points.
Main Points

• A Successful Adaptive Management Plan will:
  – be specific (i.e., general language in the agreement does not constitute flexibility);
  – be developed based on sound science, not in lieu of sound science (i.e., information needed to protect against an irretrievable commitment of resources);
  – include measurable goals and objectives;
  – include predetermined alternative strategies (Plan B);
  – include time sensitive decision making processes (e.g., oversight committees, dispute resolution procedures, communications protocols, etc.).
  – include a long-term monitoring plan (as opposed to a study-based adaptive management plan).
Adaptive Management:

- A specific, goal oriented process for achieving a desired future condition.
Pacific Northwest Experience

- Adaptive Management Agreement developed as a principle component of 3 Habitat Conservation Plans.
- HCPs developed to address impacts to 5 species of salmon and steelhead, 2 listed as endangered.
- 3 hydropower projects, 2 public utility districts, 3 Federal agencies, two states, 5 tribes, 1 NGO were involved in the negotiations.
- Agreements were intended to address ESA, FPA, FWCA, Pacific Northwest Electric Power Planning and Conservation Act, Title 77 Regulatory Code of Washington.
Pacific Northwest Experience

- Plan development occurred from 1993 through June, 1998.
- Separate NOAA office to review, permit and implement the agreement.
- Implementation began concurrently with environmental and ESA review.
- Interpretive differences occurred almost immediately (operations, studies, existing information, provisions of agreement, etc.).
- Substance of agreement would not support environmental and ESA reviews.
Pacific Northwest Experience

- No agreement on fundamental provisions of Adaptive Management Plan –
  - definition of “no net impact”,
  - how to measure NNI,
  - limitations to “ultimate decision” making authority.
- Phase two negotiations occurred from 1998 through 2002 to resolve “technical details.”
- General framework remained intact, specific provisions renegotiated:
  - Standards to be achieved - 91% total project survival versus 95% juvenile dam passage survival;
  - Schedule for achieving standards
  - Studies (design, data collection, required statistical precision, flow year provisions, fish run characteristics, etc.)
  - Alternative “plan B” – what happens if standards are not achieved on schedule?
- Final approval given by FERC in 2004.
Some Considerations:

- AMPs will invariably fail without science base.
- Should be written in plain English.
- Should be detailed;
  - flexibility is achieved by providing opportunities to achieve standards, not by poorly worded agreements.
- Should include “Plan B”;
  - Plan B provides sufficient incentive for the parties to achieve standards.
Oil and Gas Development

- Principles are the same.
- AMPs should be developed by inter-agency, interdisciplinary teams.
- Opportunities exist for both listed and non-listed species:
  - Habitat Conservation Plans.
  - Safe Harbor Agreements.
  - Candidate Conservation Agreements.
  - Others.
- Agency front loading will streamline permitting processes, saving time and money for the developer.
Main Points

A Successful Adaptive Management Plan will:

- be specific (i.e., general language in the agreement does not constitute flexibility);
- be developed based on sound science, not in lieu of sound science (i.e., information needed to protect against an irretrievable commitment of resources);
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- include time sensitive decision making processes (e.g., oversight committees, dispute resolution procedures, communications protocols, etc.).
- include a long-term monitoring plan (as opposed to a study-based adaptive management plan).
• Original Agreements:
  – http://www.nwr.noaa.gov/1hydrop/hydroweb/archiveferchcps.html

• Final Agreements:
  – http://www.nwr.noaa.gov/1hydrop/hydroweb/hcp.htm