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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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.
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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• Original Agreements:
  – http://www.nwr.noaa.gov/1hydrop/hydroweb/archiveferchcps.html

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