

SECTION 8

MITIGATION OF ADVERSE EFFECTS¹⁰

INTRODUCTION

Fulfillment of the Northwest Power Act mandate to "protect, mitigate and enhance" the anadromous fish resource of the Columbia River Basin will impose costs throughout the region. All river users will have to share in making sacrifices if significant progress is to be made in rebuilding salmon and steelhead runs. At the same time, maintaining the economic health of the basin also is vital to the Northwest.

The Council intends to work closely with the National Marine Fisheries Service, appropriate state and federal agencies, and members of affected groups in its evaluation of these issues. The Council seeks to work cooperatively with these agencies concurrent with, but on a broader scale than is required by the Endangered Species Act. The Council sets an ambitious schedule for a regional mitigation program meant to give as much lead time as possible to state and federal legislators for needed funding.

In the case of costs borne by the power system, the means of spreading the impact are readily available. In other cases, significant costs are visited upon smaller industries and communities, which often have no way of either spreading costs or passing them along. A regional effort at mitigation should be directed particularly at these latter groups.

These groups include the salmon fishing industry, irrigators, recreational users of the rivers, river navigation interests, and their customers. Obviously, not all members of these groups are affected. Among those that are, the level of impacts and ability to bear the impacts will vary widely. In developing mitigation strategies, the Council believes the region should give special consideration to small, family owned businesses and farms.

In general, the Council takes the position that those who use the river should bear the costs of that use, including a share of the costs of measures necessary to rebuild fish stocks affected by that use. The Council is

aware, however, that many river users based their decision to invest and engage in economic activities associated with the river, including the design of their facilities and practices, on prevailing river management practices of federal agencies and others. In some instances, designs were based on assurances from federal agencies of "normal" practices, which may not be followed under new river operation strategies.

At a minimum, and consistent with the needs of the fish, these users should be afforded a reasonable transition period to adjust from the old ways of doing business to the new. Without such transition time, costs and dislocations may be unnecessarily harsh. The Council will also work to identify instances where federally granted facility permits did not preserve the full range of specified operating levels for federal reservoirs.

Regional and/or national mechanisms for financing the costs of transition should be sought or devised. Favorable terms should be provided, such as extended repayment schedules, buydowns of interest, subordinated debt instruments, loan guarantees, even outright grants-in-aid. Creative approaches such as using energy savings to finance new, higher-efficiency irrigation pumps, should be explored and implemented.

With respect to reservoir drawdown, the Council is unequivocal in its expectation that any 1992 experiment or long-term drawdown scenario must permit irrigators to irrigate crops. As river operations are changed, irrigators must be given the necessary time to adjust by redesign and replacement of their pumping systems and extension of their pipes or other chosen means of adjustment. The Council is committed to mitigating the costs of this change prior to the change taking place. This means, at a minimum, that either the region or Congress must

10. This section is not intended to supplant other mitigation provided in this program, including mitigation for the John Day and lower Snake drawdowns.

provide the capital costs of pump redesign and relocation. In addition, irrigators must be granted sufficient time to complete a change of their pumps. These changes must be securely in place prior to initiation of any draw-down scenario. Other river users who face similar impacts should be accorded similar treatment.

Regionalizing costs should not, however, mean simply turning to Bonneville as the region's "deep pocket" for meeting mitigation needs. Such an approach would be neither sufficient to the region's needs nor equitable to Bonneville's customers. The states have the means of absorbing some costs; and other mechanisms must be found or devised.

There is an additional federal role to play in mitigation. While most costs should be borne in the region, the Endangered Species Act is federal legislation, and regional actions to comply with it address national, as well as regional, priorities. In developing mitigation strategies, federal agencies should be assigned an appropriate share of the responsibilities and costs.

Council, State and Federal Agencies and National Marine Fisheries Service, in Consultation with Other Parties

1. By March 31, 1992, inventory expected economic, biological and operational effects of implementing measures called for in this salmon strategy including, but not limited to, effects on navigation, agriculture, recreation, harvest, electric power generation and use, and resident fish and wildlife. Initiate a public process to solicit methods available to mitigate adverse effects or allow transition time to those affected through alterations in operations, management and timing of measures; assistance in meeting the costs of adjusting to new conditions; and other means.
2. By June 30, 1992, develop a mitigation plan with specific actions assigned to responsible agencies and parties. Identify capital requirements for mitigation measures and potential sources of assistance, including the potential for use of a regionally based trust fund. Participate in negotiating general terms and conditions of such assistance so that it will be usable to recipients.
3. By July 31, 1992, prepare recommendations to federal agencies, state governments and others identified as potential sources of assistance. Submit a report to Congress and seek assistance from the Northwest Congressional delegation to secure approval for federal funding.