

Science, Service, Stewardship



NOAA

Scope Creep in FERC
License Implementation
Joint NWA and NHA Northwest
Regional Meeting

November 3, 2009

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**NOAA
FISHERIES
SERVICE**



One Fish Agency Biologist's Perspective

Yes, license implementation costs creep at most hydroelectric projects after licensing

- Why does it happen?
- How to deal with it?



Why does it happen?

- Not enough detail in License Application or Settlement Agreement
- Not able to access funds for 30-60% design until license issued; conceptual designs miss many of the costs
- Tests, models, or design work indicates initial concept won't work and alternatives cost more



Why does it happen?

- New players enter late in the game and want their interests addressed
- Agency staff changes and new guy/gal has different (i.e., BIGGER) agenda
- The “Punt” phenomenon



How to Deal with it?

- Talk with agencies about alternatives to high cost design – sometimes new design might be better for fish and cost less
- Might it be more cost-effective to accept agencies' requests early in process, rather than to fight for years and end up with more requirements?
- Don't rely on cost caps – FERC doesn't accept them, and neither can agencies



How to Deal with it?

- Include construction methods and effects in ESA consultation to avoid more delay and consultation
- Invest in the implementation team – mutual education, trust, understanding, good faith efforts
- Seek flexibility from all parties – agencies may be willing to accept alternatives if equally effective and if initial concepts aren't working



Conclusions

- No one agency or individual is “to blame”
- Flexibility on all sides to find reasonable solution
- Identify interests and intentions behind a measure and seek to address them
- Julie’s 4-step grieving process for FERC projects: get to the “acceptance phase” rather than dwell in denial and anger
- The longer you resist, the more it will cost



Questions?