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May 2, 2013

Kate Taylor
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RE: National Hydropower Association's Comments on the Atlantic States Marine Fisheries Commission's Draft Addendum III – American Eel

Dear Ms. Taylor:

The National Hydropower Association (NHA) is pleased to submit the following comments on the Atlantic States Marine Fisheries Commission's (ASMFC) *Draft Addendum III to the Fishery Management Plan for American Eel* (Draft Addendum).

I. Introduction

NHA is a national non-profit association dedicated exclusively to advancing the interests of the U.S. hydropower industry, including conventional, pumped storage, and new marine and hydrokinetic technologies. NHA's membership consists of more than 180 organizations, including consumer-owned utilities, investor-owned utilities, independent power producers, project developers, equipment manufacturers, environmental and engineering consultants, and attorneys. Many of NHA's members own and operate or provide services for hydroelectric facilities located along the Eastern Seaboard.

As America's leading renewable electricity resource, hydropower provides approximately 8 percent of our nation's total electricity supply and two-thirds of America's total renewable electricity. This results in hundreds of thousands of domestic jobs. NHA's members and hydroelectric facility owners and operators are stewards of the rivers where their facilities are located, and value river resources and a diverse ecosystem. Every year, the industry spends hundreds of millions of dollars on environmental conservation, mitigation, and protection and enhancement measures for numerous species, including the American eel.

II. Hydropower & American Eel

The ASMFC initiated the Draft Addendum in response to a 2012 Benchmark Stock Assessment (2012 Stock Assessment), which found that the "American eel population in U.S. waters is depleted." The goal articulated in the Draft Addendum is aimed at "reducing mortality and increasing conservation of American eel stocks across all life stages."

NHA commits to working with the ASMFC in achieving this goal. In fact, the hydropower industry has done more than any other over the past 10-20 years to improve the condition of the American eel population and continues to lead the way with respect to American eel research and monitoring.

NHA's members along the Eastern Seaboard continue to collaborate with resource agencies and stakeholders, have made significant investments in eel passage facilities, and have conducted research that has led to improving habitat and survivability. Combined, these efforts have contributed to an ever growing body of scientific knowledge and understanding of the American eel.

To achieve the stated goal, the Draft Addendum encourages all states and jurisdictions to "develop a timeline and target for 1) the amount of habitat to open up through creation of fish passage or dam removal, where feasible and/or 2) the amount of habitat to enhance to increase survival for all, or specific, life stages." To meet these timelines and targets, the Draft Addendum encourages states and jurisdictions to use the Federal Energy Regulatory Commissions (FERC) licensing and relicensing process, and also recommends using Appendix III, "Fish Passage Recommendations for American Eel", (Fish Passage Recommendations) (Draft Addendum pg. 34). The American Eel Plan Development Team (PDT), through the Fish Passage Recommendations, recommends that "each jurisdiction actively seeks opportunities to improve upstream eel passage through obstruction removal and deployment of eel passage structures".

In regard to these recommendations, NHA notes that no direct link has been established between the operation of existing hydroelectric projects and the 2012 Stock Assessment's finding. The majority of hydropower facilities have been in existence for many decades (with a large number in the Northeast approaching 100 years or more). These existing structures alone would not seem to be the cause of any decreases in eel populations detected today by stock assessments conducted over the last several years.

Maintaining and restoring eel populations will take a holistic approach and mitigation options should be implemented before consideration of dam removal. NHA believes the hydropower industry alone should not bear the brunt of the obligation to mitigate for adverse impacts that are clearly out of their control and/or unrelated to the operations of the hydroelectric projects.

Regarding removal, dams with hydroelectric facilities are providing many public benefits, including low-cost power and reduced air emissions, to name a couple. If the ASFMC is to promote dam removal, particularly for those associated with hydropower projects, NHA believes any decision process should take into full account these other environmental and economic benefits, including what the profile of the replacement power from these facilities will be.

The Fish Passage Recommendations also state that "traditional fish passage is not effective for upstream migration of juvenile American eels…" However, many of NHA's members are actively engaged in eel passage and research, and are reporting positive eel passage results because of these efforts.[1]

Existing and future regulatory mechanisms will continue to protect and restore American eel populations, especially when individual regulatory mechanisms are viewed as part of a larger comprehensive program to protect aquatic species. The regulatory process provides for an open and holistic public process, with licensees working with local stakeholders in developing study plans and on-going engagement through multiple consultations on scoping documents, adaptive management strategies, environmental assessments and environmental impact statements. This collaboration has resulted in the installation of new and improved eel passage technologies at numerous hydroelectric facilities, and the funding and implementation of numerous studies, reports and data points on fish passage, which show increasing survival rates.

Finally, the Draft Addendum mentions "changing climatic and ocean conditions" as one reason for eel population depletion. NHA notes that environmental and other groups now recognize that the impacts of climate change on our rivers and oceans, as well as aquatic species are a top concern and priority. Hydropower is a clean and renewable energy resource avoiding millions of metric tons of carbon every year. Hydropower's benefits related to greenhouse gas emissions should be viewed as part of the solution to addressing climate change impacts and maintaining and restoring the eel population, and not only viewed as part of the problem, as the Draft Addendum does.

III. Conclusion

NHA understands the complexity of the issue and appreciates the ASMFC's recognition of other factors that may be affecting eel populations, including historical overfishing, productivity and food web alterations, predation, toxins and contaminants, and disease.

NHA appreciates the opportunity to comment on the Draft Addendum, and we commit to continue working with all stakeholders on this issue. We understand that some of our members may submit comments on the Draft Addendum, and we direct you to those comments.

Sincerely,

Linda Church Ciocci

Linda Church Ciocci
Executive Director

[1] Please see NHA's most recent filing on the American Eel to the U.S. Fish & Wildlife Service under Docket No. FWS-R5-ES-2011-0067 (November 28, 2011).