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February 4, 2020

MEMORANDUM

TO: Fish and Wildlife Committee

FROM: Patty O'Toole

SUBJECT: Implementing the language in Part II on fish and wildlife project information

Presenter: Patty O'Toole

Summary: Staff will present a set of principles related to the development of an information sharing agreement with Bonneville

Workplan: This topic is related to implementation of the adopted 2020 addendum to the 2014 Fish and Wildlife Program – Part II

Background:

The Council included the following language in Part II of the 2020 Addendum:

Protect productive work during budgetary processes. The Council understands that a great deal of Bonneville's responsibility to implement the program occurs outside of the Council and public's view. However, there are aspects of this effort that require greater Council involvement. Bonneville's internal efforts to manage program costs over the last few years have been aimed at reducing costs by finding program efficiencies without affecting substantive work. Program efficiency and cost containment are laudable objectives, but they can have policy implications that warrant Council participation, particularly when reductions result in projects that are implemented in a manner that no longer reflects the original proposal that underwent science and project review and received a Council funding recommendation based on that review. In the future, the Council, Bonneville and others will work to ensure that reductions in program expenditures are aimed at finding efficiencies without sacrificing productive work. Bonneville shall provide regular public information to the Council on project implementation, so that the Council can understand whether and

how implementation differs from the work recommended after project review. In particular, Bonneville shall provide timely notice to the Council when Bonneville implementation decisions result in a material change in the scope, desired outcomes or budget of a project. The Council will review this information and assess whether further Council recommendations are warranted, including further ISRP review. *The Council will develop with Bonneville a written agreement for sharing this information, to assist the Council in its project review, program development and program performance efforts.*

It is time to begin working with Bonneville to implement the last sentence. Council staff shared a draft of a letter agreement with Bonneville staff back in December 2009 to capture or illustrate the concepts involved and get some preliminary response. The reaction back has been that Bonneville is certainly interested in working out an information sharing agreement, and at the same time we probably have some work ahead of us to agree on the details.

The purpose of this discussion with Committee is to go over the principles staff believes need to be embodied in some way in an agreement that describes what project implementation information Bonneville will make available to the Council and how and when. We do not need a recommendation out of the Committee at this time, but we do need to hear from the members either that they are comfortable with this set of principles or have concerns or questions. The principles are as follows:

- Part II program language is the guide. Council seeks from Bonneville – and the agreement should facilitate - more regular and specific information on fish and wildlife project implementation, *especially* information on:
 - significant changes in the scope of implementation of an ongoing project, and
 - significant differences between the scope of projects recommended by the Council after project review and the scope of the projects implemented by Bonneville.
- To the extent we need a basis in the Act to underlie such an agreement, Section 4c(9) provides that Bonneville is to “furnish the Council all information requested by the Council as necessary for performance of its functions, subject to such requirements of law concerning trade secrets and proprietary data as may be applicable.” Regular, accurate information on project implementation is important to the Council in its program review, project review and program performance functions, especially information indicating project implementation changes from what the Council understands as the baseline.
- Use as a guide the basic form of other letter agreements on information the Council, such as the Council/Bonneville 2017 agreement on information Bonneville will provide the Council about Bonneville’s resource acquisitions.
- The purpose off the agreement is to describe what information the Council will receive from Bonneville and when we will receive it. Bonneville has shared information of this nature with the Council in the past, but in different ways, in different forms, and with different timing over the years.

- Acknowledge examples of significant change, including:
 - a significant change in a project from its scope and intent as it was reviewed by the ISRP and Council and recommended by the Council, including:
 - eliminating or adding project objectives;
 - a significant change in outcomes expected from a project;
 - a significant change in location or methods or targeted species;
 - a decision not to implement a project recommended or to implement a project never reviewed or recommended;
 - a change in project budget so significant that the work to be accomplished under the project will also be forced to change significantly.
- How the information will be shared, and the timing of the information are details to work out. The Council staff believes that a quarterly report from Bonneville focused on any changes or differences (with nothing to report if no changes that quarter) would be most useful and has been done in the past.