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Northwest Power and Conservation Council

Jennifer Anders
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Montana

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Tom Karier
Washington

Phil Rockefeller
Washington

February 4, 2014

DECISION MEMORANDUM

TO: Council Members

FROM: Tony Grover
Director, Fish and Wildlife Division

SUBJECT: Approval of Independent Economic Analysis Board Charter.

PROPOSED ACTION: Approve the updated and revised charter of the Independent Economic Analysis Board (IEAB).

SIGNIFICANCE: The IEAB will provide independent review and analysis of economic issues related to the Council's Fish and Wildlife Program and other topics assigned by the Council within the Council's statutory responsibilities.

BUDGETARY/ECONOMIC IMPACTS

The IEAB is funded from the Council's Fish and Wildlife Division contracting budget. Its current budget is \$100,000 per year. In addition, coordination of the IEAB, which is provided by the Fish and Wildlife Division, requires approximately 4 days per month of staff time.

BACKGROUND

The Northwest Power Act, P.L. 96-501, 16 U.S.C. §839 et seq. (Act), requires the Council to develop a regional conservation and electric power plan (Section 4(d)(1)) and a fish and wildlife program to protect, mitigate and enhance fish and wildlife affected by the development and operation of the hydroelectric facilities on the Columbia River and its tributaries (Section 4(h)(1)(A)). In developing the fish and wildlife program, the Act requires the Council to "utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost." (Section 4(h)(6)(C)). The Council also oversees a project review process as part of the implementation of the Fish and Wildlife Program, and as part of that review process the Act directs the Council to "determine whether the projects employ cost-effective measures to achieve program objectives" (Section 4(h)(10)(D)(vi)).

ANALYSIS

The Independent Economic Analysis Board was first formed in 1996. Its responsibilities have been limited to economic analysis of fish and wildlife activities. Since its creation the IEAB has completed over 27 reports. Most have been at the Council's request and include papers on particular topics, reviews of fish and wildlife projects, and review and interpretation of studies performed by others. The IEAB also completed a self assessment in 2003.

The attached charter clarifies the IEAB is to provide, where appropriate, economic cost and benefit analyses. Decisions about specific IEAB activities remain with the Council, however. The IEAB operates on a task order basis. Task orders describe an analysis to be undertaken with defined scope and cost estimates, or authorize an IEAB meeting. Task orders must be approved by the Council although by agreement the staff coordinator has been able to approve IEAB meeting tasks and analysis tasks costing less than \$5,000.

IEAB activity has been limited by both its budget and the fact that individual members have limited time to devote to IEAB analyses. The IEAB budget currently is \$100,000 per year. The difficulty of predicting the biological effects of fish and wildlife actions on target species has limited the ability to ascertain cost-effectiveness.

The IEAB has recently identified ways to increase its own cost-effectiveness by having fewer meeting and more of those meetings by conference call. It also recognizes that to be more successful the interaction between the Council and the IEAB needs to increase. In addition, the Council would benefit from increased coordination and cooperation between the ISRP and ISAB and the IEAB.

The charter specifies a process for selecting IEAB members that involves a nomination process, evaluation of applicants by a committee appointed from the Board of the Pacific Northwest Regional Economic Conference, public comment, and verification of independence by the Council. Members serve for four-year terms the expirations of which are staggered every two years to provide some continuity of membership. Members can be reappointed by the Council when their terms expire.

ALTERNATIVES

1. Approve the attached charter and extend the life of the IEAB for another two years.
2. Disband the IEAB and instead include economic expertise in the ISAB and ISRP peer review groups or rely on direct contracting for economic analysis.
3. Modify the attached charter before approving it.

ATTACHMENTS

The proposed IEAB Charter is attached. IEAB reports and a list of current IEAB members are on the web at: <http://www.nwccouncil.org/fw/ieab/>

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February 4, 2014

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL:

CHARTER OF THE INDEPENDENT ECONOMIC ANALYSIS BOARD

1. Official Designation: This advisory committee will be known as the Pacific Northwest Electric Power and Conservation Planning Council's Independent Economic Analysis Board (Independent Economic Analysis Board).
2. Background: The Northwest Power Act, P.L. 96-501, 16 U.S.C. §839 et seq. (Act) requires the Council to develop a regional conservation and electric power plan (Section 4(d)(1)) and a fish and wildlife program to protect, mitigate and enhance fish and wildlife affected by the development and operation of the hydroelectric facilities on the Columbia River and its tributaries (Section 4(h)). In developing the fish and wildlife program, the Act requires (among other things) that the Council "utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost." (Section 4(h)(6)(C)). The Council also oversees a project review process as part of the implementation of the Fish and Wildlife Program, and as part of that review process the Act directs the Council to "determine whether the projects employ cost-effective measures to achieve program objectives." (Section 4(h)(10)(D)(vi)).

The Council is establishing the Independent Economic Analysis Board to provide the Council with advice and an increased analytical capability to help bring economics to bear on issues within the Council's statutory responsibilities. This advisory committee is established as **one of several** advisory committees satisfying the Council's obligation under the Act to establish a Scientific and Statistical Advisory Committee. ~~16 U.S.C. §839b(c)(11)~~ (Section 4(c)(11)). Under section 4(a)(4) of the Act, the terms of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, Sections 1-14, apply "to the extent appropriate" to the Council's advisory committees. ~~16 U.S.C. §839b(a)(4).~~

3. Objectives and Scope of Activity: The Independent Economic Analysis Board will advise the Council on the appropriate methods of economic analysis for proposed

fish protection and mitigation measures and projects as well as other issues within the Council's statutory responsibilities. This advice will include the appropriate role and limits of economic analysis in making policy decisions and, where applicable, the associated economic costs and benefits of those decisions. The Independent Economic Analysis Board will fulfill this role by:

- (A) Interacting as an advisory committee with the Council regarding methods of economic analysis for alternative fish recovery measures and other issues, including economic costs and benefits, within the Council's statutory responsibilities.
- (B) Assisting the Council to evaluate new analytical tools, and advising on the most appropriate study designs.
- (C) Helping to identify sources of information and data.
- (D) Performing specific tasks assigned by the Council on a cost reimbursement basis.
- (E) Assisting in the review and interpretation of study results.

4. Official to Whom the Advisory Committee Reports: The Independent Economic Analysis Board will report to the Executive Director of the Council or his designee.

5. Authority of the Advisory Committee: The Independent Economic Analysis Board will serve in an advisory capacity only. Neither the Board nor its members are authorized to make statements or commitments on behalf of the Council. Board members will not be considered to be members of the Council staff.

6. Estimated Annual Operating Costs in Dollars and Person-Days: Not to exceed ten thousand dollars per year for travel, teleconference and video conference meetings support; four thousand dollars per year contracted services for minutes; and eight staff days to organize and attend Board meetings

7. Advisory Committee Management Officer: The Advisory Committee Management Officer for the Independent Economic Analysis Board will be the Executive Director of the Council or his designee. The Management Officer will designate members of the Council's staff to attend meetings of the Board.

8. Staff Coordinator: The Management Officer will appoint a Staff Coordinator(s) for the Independent Economic Analysis Board. The Staff Coordinator(s) will be responsible for organizing meetings, coordinating work with the Council, and managing the Independent Economic Analysis Board's business functions.

9. Appointment of Independent Economic Analysis Board Members: The five members will be appointed through a process of nomination, screening by a peer group of economists to ensure the highest quality of nominees, and Council verification of independence. Nominations will be solicited through a public announcement of intent to appoint a new member or members. Applications will be screened and ranked by a nominating committee composed of 3 regional economists chosen, if possible, from the Board of Directors of the Pacific Northwest Regional Economic Conference and assisted by the Staff Coordinator. The

nominating committee will submit its recommendations to the Council who will make the final selection based on the committee's recommendations and public comment regarding qualifications and perceived independence. In addition to the candidate(s) recommended to the Council, the nominating committee will also name two alternates so that if a vacancy on the board occurs, the alternate candidates may be considered, in turn, for appointment.

10. Length of Board Membership: Independent Economic Analysis Board members will serve four year terms. Terms will be staggered to maintain some continuity to the board at all times. Members may ~~apply and~~ be reappointed to the board ~~through the nomination process by the Council~~.

11. Chair:

- (A) The Chair will be elected by the Independent Economic Analysis Board.
- (B) The Chair may be called upon to report to the Executive Director of the Council on appropriate matters, including the Board's progress on the tasks described in Part 3 of this Charter.
- (C) The duties of the Chair will include presiding over Independent Economic Analysis Board meetings, ensuring that detailed minutes of such meetings are prepared and submitted to the Executive Director of the Council in a timely manner, and maintaining communication between the Board and the Council's staff.
- (D) The Chair will certify detailed minutes of meetings of the Independent Economic Analysis Board. The minutes should include a description of matters discussed, conclusions reached, actions taken, persons invited to meet with the Board, and persons in attendance. The minutes also will include copies of reports received, issued or approved by the Board. Minutes of meetings will be prepared and released within ten days of the meeting, unless an extension is granted by the Management Officer. The Management Officer will distribute copies of the minutes to members of the Board and the other interested persons.
- (E) Small sub-groups of the Independent Economic Analysis Board may be established by the Chair of the Board to undertake particular aspects of the Board's work. Methods for organizing the work and procedures of the Board must follow the scope of responsibilities assigned to the Board by the Council. The work of the staff for the Board will include making arrangements for Board meetings, solving logistical problems, and providing clerical services.

12. Vice-Chair: A Vice-Chair may be appointed by the Independent Economic Analysis Board. The Vice-Chair will perform the duties of the Chair of the Independent Economic Analysis Board in the absence of the Chair, and such other duties as the Chair may assign.

13. Policy: The advisory committee policy approved and adopted by the Council on May 17, 1982, as amended from time to time, will apply to the Independent Economic Analysis Board.
14. Conflict of Interest Guidelines: For the Independent Economic Analysis Board to function effectively, it must maintain its status and credibility as a deliberative scientific board. Members must not only avoid activities that create a conflict of interest, but those activities that may represent a significant appearance of conflict of interest or otherwise impair the credibility or status of the board. In addition, members of the Independent Economic Analysis Board should not be perceived to have a bias in matters likely to be addressed by the Board. Given the controversial nature of many of the questions and issues that the Board must deal with, questionable professional or personal activities could easily undermine the effectiveness of the individual members and ultimately the Independent Economic Analysis Board as a whole. The goal of establishing these conflict of interest and bias guidelines is to maintain the integrity of Independent Economic Analysis Board opinions. The conflict guidelines are based on ones modified from ISAB Terms of Reference August 20, 1996, amended December 2, 2002, and provide consistent policies among the Council's independent scientific review boards (Independent Economic Analysis Board, Independent Scientific Review Panel, and Independent Scientific Advisory Board).

(A) Definitions of "Bias" and "Conflict of Interest":

"Bias" relates to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association with a particular point of view or the positions or perspectives of a particular group. Such potential sources of bias are not necessarily disqualifying for purposes of Independent Economic Analysis Board service. Indeed, membership of the Independent Economic Analysis Board is intended to include individuals with a variety of interests, backgrounds and expertise. However, where bias impairs a member's ability to view matters in a scientific manner and give fair consideration to new information it can jeopardize the member's usefulness to the board.

"Conflict of interest" means any financial or other interest that conflicts with the service of the individual because it 1) impairs the individual's objectivity or 2) could create an unfair competitive advantage for any person or organization. Conflict of interest requirements are objective and prophylactic. They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest, or one's relative insensitivity to particular dollar amounts of specific assets because of one's personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the other members of the Independent Economic Analysis Board, and the public interest. The individual and the Independent Economic Analysis Board should not be placed in a situation in which others could reasonably question, and perhaps discount or dismiss, the Independent

Economic Analysis Board's work simply because of the existence of conflicting interests.

(B) Examples of Activities that Should Be Avoided:

1) Members should avoid direct involvement in or public endorsement of projects or activities that will likely be subject to Independent Economic Analysis Board review such as those related to the Council's power plan or fish and wildlife program. Such involvement would create a conflict of interest that would preclude participation of that member in the review of a project or activity, and could lead to questions regarding the ability of the Independent Economic Analysis Board as a whole to judge the merits of the subject research objectively or to provide objective scientific advice.

(2) Members should avoid financial relationships with organizations receiving substantial economic benefit from the programs and activities connected to the Council's power plan or fish and wildlife program. Such a relationship could potentially create a conflict of interest, particularly if the Independent Economic Analysis Board is asked to review the scientific merits of a project being proposed or conducted by the employing organization.

(3) Members, as individuals, should avoid taking public positions on issues related to the Council's power plan or fish and wildlife program. Members should be especially conscientious in ensuring that their opinions as individuals are not perceived or construed to be those of the Board or to result from Board activities.

(4) Members should to the extent practicable avoid identification as a major advocate for particular scientific, intellectual, or social causes that would give rise to the appearance of undue bias relative to matters likely to come before the Board.

(C) Procedures:

(1) The selection criteria for Independent Economic Analysis Board members are intended to screen out applicants who may have significant real or perceived conflicts or bias. The specific selection criterion used is, "Ability to provide credible advice and analysis that are objective and independent, and widely perceived to be so."

(2) At the beginning of each two-year period following the renewal of the Independent Economic Analysis Board charter and appointment of four new members, each member of the Independent Economic Analysis Board will disclose his or her primary areas of activity and business associations. Any potential conflicts of interest or sources of bias will be proclaimed in a regularly scheduled meeting of the Independent Economic Analysis Board. It is not expected that any serious problems will be identified in this process because

potential members are screened for obvious or apparent conflicts during the appointment process.

(3) During the conduct of any Independent Economic Analysis Board analytical task, members will disclose any potential conflicts of interest or bias they may have with regard to the analysis proposed. If it is clear that an actual or perceived bias or conflict of interest exists for an Independent Economic Analysis Board member, there are alternative remedies available depending on the nature and extent of the problem.

- The member can recuse him or herself from all deliberations and decisions on matters arising in the course of the review for which that individual has a conflict of interest. The Independent Economic Analysis Board will include such notification in the minutes of the meeting following such notice and recusal.
 - The member can disengage from the outside activity that creates the conflict of interest;
 - The member can resign from the Independent Economic Analysis Board.
15. Board Meetings: The Chair of the Independent Economic Analysis Board, after consultation with the Management Officer, or his designee, will call meetings as necessary. All meetings will be open to the public, unless closed pursuant to 5 U.S.C. §552b(c). Timely notice of meetings, including agendas, will be given. Interested persons may attend Board meetings and appear before or file statements with the Board, subject to such reasonable rules as the Board may prescribe.
16. Reimbursement of Expenses: The Council will reimburse Independent Economic Analysis Board members for their time, as determined by the Council, and travel costs, including per diem in lieu of subsistence in accordance with the Council's travel regulations for contractors and advisory committee members, for the purpose of attending Independent Economic Analysis Board meetings as authorized by 5 U.S.C. §5703. In addition, the Council may contract with Board members or others to carry out specific task assignments. In particular cases, and with Council approval, the Independent Economic Analysis Board may recommend the use of consultants to accomplish an assigned task.
- Duration: The Independent Economic Analysis Board will terminate two years from the filing date of this Charter, unless renewed in accordance with the Federal Advisory Committee Act. All members of the Board serve at the pleasure of the Council.

This Charter for the Independent Economic Analysis Board was approved and adopted at a duly called meeting of the Pacific Northwest Power and Conservation Planning Council, **February 12, 2014**.

~~PACIFIC~~ NORTHWEST ~~ELECTRIC~~ POWER
AND CONSERVATION ~~PLANNING~~ COUNCIL

Chair

Date Filed: [date]

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February 4, 2014

DECISION MEMORANDUM

TO: Council Members

FROM: Tony Grover
Director, Fish and Wildlife Division

SUBJECT: Recommend support for proposed IEAB task number 207 to advise the Fish and Wildlife Committee and Council on economic matters as the Council considers amendments for the 2014 Fish and Wildlife Program.

SIGNIFICANCE:

The Council has accepted recommendations and comments regarding potential amendments to the Fish and Wildlife Program (FWP). A number of important recommendations have been received involving estuary habitat, toxics, and reintroduction of anadromous fish into blocked areas, among others, that could result in new or shifts in program costs. At the same time, new costs related to operations, maintenance, replacement or decommissioning of existing facilities may be required, and the potential for climate change to affect fish and wildlife is becoming more widely appreciated. Economics and cost-effectiveness considerations can help the region make the best use of limited funds while protecting existing investments in water, fish and wildlife.

The Independent Economic Advisory Board (IEAB) provides economic advice and analysis on regional environmental and energy issues related to the Council's Fish and Wildlife Program. In particular, the IEAB provides information pertaining to the cost-effectiveness mandate of the Northwest Power Act. In this task, the IEAB would provide a selective, high-level economic perspective on the future of the Fish and Wildlife Program, comment on specific recommendations that have important economic implications, and suggest how economics can be applied generally to improve the cost-effectiveness of the program. IEAB members would review staff summaries, discuss comments and recommendations with Council members and staff and among themselves, and would provide a written report for consideration by the Council and the Fish and Wildlife Committee.

The major recommendation areas to be covered include :

- Non-native species and invasive species
- Climate change
- Wildlife strategy - mitigation versus settlements
- Predation
- Estuary
- Water transactions
- Willamette River actions
- Maintenance of program investments
- Resident fish strategy - role of loss assessments and settlements

Specific recommendations regarding cost forecasting and planning methods will be proposed. General ideas regarding how to improve restoration plans will be provided. The IEAB will comment on potential facility operations and storage strategies in response to climate change. For some recommendation areas, the IEAB may refer to existing IEAB reports and analysis that are still relevant and useful.

A draft summary would be provided by March 15, and a final report would be provided to the Fish and Wildlife Committee and the Council by March 31, 2014.

BUDGETARY/ECONOMIC IMPACTS

Principal investigator, 40 hours, other IEAB members, 30 hours. Total cost \$6,300