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December 3, 2024

MEMORANDUM

TO: Council Members

FROM: Patty O'Toole, John Shurts

SUBJECT: **Fish and Wildlife Program Amendments:** Review of draft letter calling for Fish and Wildlife Program amendment recommendations

BACKGROUND:

Presenter: Patty O'Toole, John Shurts, Fish and Wildlife Division Staff

Summary: As reviewed in November, under the Northwest Power Act, the process the Council must follow to amend the Columbia River Basin Fish and Wildlife Program begins with a written request from the Council to the state and federal fish and wildlife agencies and region's Indian tribes for program amendment recommendations. This letter from the Council is also directed to the region as a whole.

The Council is on track to make the decision to send that letter in January 2025. At the December meeting, the staff will discuss with the Council the first draft of the letter, based on the staff recommendations and feedback from Council members at the November meeting. The staff will make the first draft letter available to Council members by email separate from these packet materials.

The letter must contain information about the process, including why the Council needs to call for recommendations to amend the program at this time, the requirements for that request, and instructions for how people should submit their program amendment recommendations to the Council. The Council may opt to- but is not required to- include guidance or suggestions on topics that the Council

would like the recommending entities to consider as they prepare their recommendations. Regardless, under the Power Act the Council will have to address any recommendations it does receive on any aspect of the Program.

Relevance: Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Congress charged the Council with developing and periodically amending a fish and wildlife program for the Columbia River Basin to protect, mitigate, and enhance fish and wildlife affected by the development and operation of hydroelectric facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply.

Workplan: This work is called for the Fish and Wildlife division workplan under Program Planning and Coordination

Introduction

Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Congress charged the Council with developing and periodically amending a fish and wildlife program for the Columbia River Basin to protect, mitigate, and enhance fish and wildlife affected by the development and operation of hydroelectric facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. The Council's current Program was last amended in 2020. Consistent with the Northwest Power Act, the Council will need to complete an amendment of its Program prior to the review and revision of the 2021 Power Plan.

At the December Council meeting staff and members will discuss a draft letter that the Council prepares to request recommendations to amend the Program. *This draft letter will be sent separately to Council members.* The letter will contain necessary information about the process including why the Council needs to amend the program and instructions for how people should submit their recommendations to the Council. If the Council chooses, it may also include guidance on topics in the Program that the Council would like the recommending entities to consider as they prepare their recommendations. The Council will address any recommendations it receives but may suggest that recommendations focus on certain aspects of the Program.

Background and Program context

Under the authority of the Northwest Power Act and the associated Columbia River Basin Fish and Wildlife Program, measures are funded and implemented to protect, mitigate, and enhance fish and wildlife adversely affected by the development and operation of the Columbia River hydrosystem. These actions are of two different types. One consists of "on-site" efforts to improve the survival of anadromous fish through the mainstem hydrosystem, through improved water management, changes in reservoir operations, passage improvements, and spill. The other type consists of "off-site" enhancement actions, not directly aimed at reducing hydrosystem impacts. These actions are intended to compensate in some way for the remaining hydrosystem

impacts not addressed on-site by addressing the survival, productivity and habitat capacity of anadromous fish in tributaries, the estuary and mainstem, or by producing fish in hatcheries.

Discussion

Draft of draft letter calling
for
recommendations to
amend
the
**Columbia River Fish and
Wildlife Program**

December Council Meeting
Portland Oregon
Council staff



Northwest Power Act

- Develop and periodically amend a Program to protect, mitigate and enhance the fish and wildlife affected by the development and operation of the hydropower dams, including related spawning grounds and habitat of the Columbia River and its tributaries....
- While doing so, also assure the region an adequate, efficient, economical and reliable power supply
- Provide for wide public participation in developing the Fish and Wildlife Program and facilitating the orderly planning of the region's power supply



Northwest Power Act - Program Amendment Process



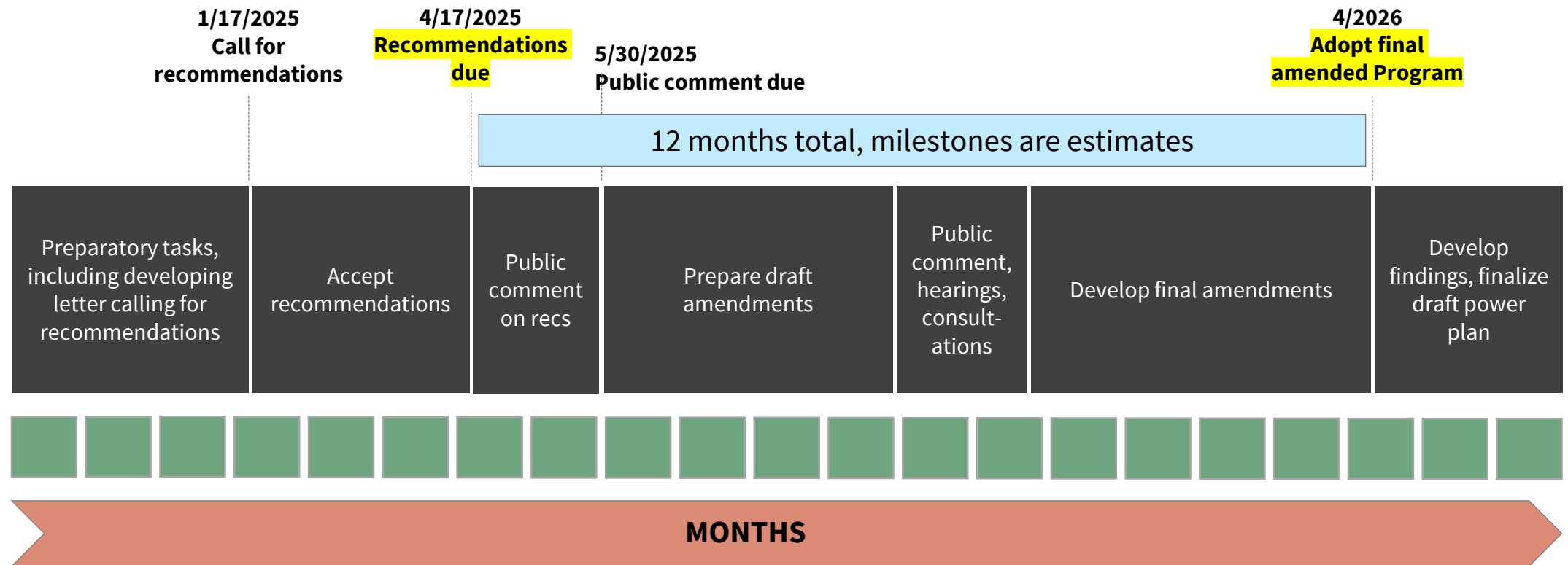
- Program amendment process is tightly scripted, step-by-step, beginning with a call to others for **recommendations**
- Process is heavily dependent on input from others, beginning with **recommendations**, especially from the state and federal fish and wildlife agencies and region's Indian tribes.
- **Recommendations**, related information, comments on recommendations and draft amendments form the bulk of the **administrative record** for Council's decisions on the program

Step 1: Call for F&W Program amendment recommendations

- Request in writing from federal and state fish and wildlife agencies and tribes
- For “measures” and “objectives” (and coordination and research)
- Everyone else, too (federal and regional water management agencies; region’s electric power producing agencies; Bonneville customers; public)
- At least 90 days
- Recommendations are to accompanied by detailed information and data in support



Estimated timeline for Fish and Wildlife Program Amendment Process



Upcoming Important Dates (planned)

- **January 16/17, 2025** – Council release letter calling for recommendations
- **April 17, 2025** – Close of *recommendation* period, open *comment* period
- **May 30, 2025** – Close of comment period



**Columbia River
Basin Fish and
Wildlife Program**

Submitting recommendations and comments

- Website will be available for submissions Council takes formal action to request recommendations
- Will include all pertinent information, resources and instructions
- Written (paper letter) notification to state and federal fish and wildlife agencies and basin tribes and a few others
- Emailed notification to large mailing list (thousands of email addresses of contacts)





Our path

Month	Council meeting agenda items
July (Portland, OR)	<ul style="list-style-type: none"> Overview, early discussion on the amendment process, schedule for 2024 tasks, rough timeline for 2025 & 2026 (1.5 hrs) ✓
August (Webinar)	<ul style="list-style-type: none"> Update on Regional Coordination Meeting (July 11), other ✓
September (Astoria, OR)	<ul style="list-style-type: none"> Staff report on Program performance: implementation assessment of Program Hydro measures, related topics (2 hrs) ✓ Discussion of the Northwest Power Act's legal decision framework and amendment procedures (Part I) (2 hrs) ✓
October (Portland, OR)	<ul style="list-style-type: none"> Discussion of the Northwest Power Act's legal decision framework and amendment procedures (Part II, External context for the Council's work on the program, including ESA listings and BiOps and Accords and other long-term implementation agreements) (1 hr) ✓ Staff report on Program performance: implementation assessment of artificial production (hatchery) measures, related topics (1.5 hr) ✓
November (Portland, OR)	<ul style="list-style-type: none"> Work session on Program performance: implementation assessment of Program habitat restoration and protection, wildlife, invasive species, predator management measures, related topics (3+ hrs) ✓ Discuss outline of letter calling for recommendations (60 min) ✓ ISAB report on review of 2020 Fish and Wildlife Program Addendum (30 min) ✓
December (Webinar)	<ul style="list-style-type: none"> Staff report on Program goals and objectives and latest developments for the Program Tracker (3 + hrs) ✓ Review draft letter calling for recommendations (30 min) ✓

Month	Council meeting agenda items
January (Portland, OR)	<ul style="list-style-type: none"> Final edits to letter, Council Decision to release letter calling for recommendations <ul style="list-style-type: none"> Send letter out for 90 day recommendation period Additional Program briefings <ul style="list-style-type: none"> Program Structure Strategies and issues
February	<ul style="list-style-type: none"> Program Briefing <ul style="list-style-type: none"> Strategies and issues
March	<ul style="list-style-type: none"> Program Briefing <ul style="list-style-type: none"> Strategies and issues
April	<ul style="list-style-type: none"> Program Briefing <ul style="list-style-type: none"> Strategies and issue Recommendation Period closes April 17* Immediately release for public comment, 30 day public comment period Begin reading recommendations, staff will prepare summary
May	<ul style="list-style-type: none"> All day amendment work sessions <ul style="list-style-type: none"> *Will need multiple days: Extra work session likely May 28th Comment period closes May 30*
June	<ul style="list-style-type: none"> All day amendment work sessions <ul style="list-style-type: none"> *Will need multiple days – Planned for June 10-11

Discuss draft letter



Northwest **Power** and
Conservation Council

