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December 9, 2025

DECISION MEMORANDUM

TO: Council members

FROM: Patty O'Toole
Fish and Wildlife Division Director

SUBJECT: Final review and decision to release draft Columbia River Basin Fish and Wildlife Program for public review and comment

PROPOSED ACTION: Staff propose the Council consider two related decisions: a decision to release the draft amended Fish and Wildlife Program for public review and a decision on the length of the review period.

Recommendation: The staff recommend the Council approve the release of the Draft 2026 Fish and Wildlife Program for public review and comment through March 2, 2026.

SIGNIFICANCE: The Northwest Power Act calls for the Council to amend its Fish and Wildlife Program prior to the review and revision of the Council's Power Plan, which occurs every five years. The Council decision to release a draft for review and comment is an important milestone in the process to adopt an amended Fish and Wildlife Program.

BACKGROUND

Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act), 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 Fish and Wildlife Program consists of the 2014 Columbia River Basin Fish and Wildlife Program and its 2020 Addendum.

In January of 2025, the Council began its Program amendment process with a formal request in writing to the region's tribes and state and federal fish and wildlife agencies for recommendations for (as described in the Northwest Power Act):

- “measures which can be expected to be implemented by the [Bonneville] Administrator, using authorities under this Act and other laws, and other Federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project on the Columbia River;
- establishing objectives for the development and operation of such projects on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and
- fish and wildlife management coordination and research and development (including funding) which, among other things, will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams.”

ANALYSIS

Development of draft amendments

The Council called for recommendations to amend its Fish and Wildlife Program in January of 2025 and accepted recommendations through May 19, 2025. The Council received a large and diverse set of recommendations from regional entities, including 15 tribes and tribal coordinating entities, two federal agencies, and seven state or state-supported agencies. Recommendations were also received from local and other governmental organizations, non-governmental organizations and individuals. Collectively, the recommendations addressed nearly every aspect of the Council's Program.

Many of the recommendations the Council received were lengthy and detailed, representing a substantial time and energy investment by the recommending entities. All the amendment proposals are posted on the Council's website.

Immediately following the receipt of the recommendations, the Council provided notice of the recommendations and made them available for public comment on the Council's website. Comments were received through July 3, 2025. The Council received more than 1600 comments, including those from three state fish and wildlife agencies, seven tribes or tribal entities, two federal agencies, almost 50 of the Bonneville Power Administration's customer utilities and utility groups, other river and water user groups, eleven environmental groups or coalition organizations, and thousands of individuals representing perspectives from environmental groups, public power

and a lithium-free battery organization. As with the recommendations, the comments are also available on the Council's website.

Since July, the Council has been working continuously to develop a draft amended Fish and Wildlife Program based on the recommendations and comments. The Council is scheduled to consider the decision to release the draft for public review on December 16, 2025. The pre-decisional draft Fish and Wildlife Program will be sent to Council members by separate email.

Draft amendments recommendation: The staff recommends the Council approve the draft Columbia River Basin Fish and Wildlife Program for public review and comment at the December Council meeting.

Next steps: Following the decision of the Council to release a draft Fish and Wildlife Program, staff will publish the draft on the Council's website, circulate notice of the draft, schedule public hearings and begin to receive written public comments through its website. Staff will present updates at each Council meeting.

Timeframe for public review

In addition to deciding to release the draft Program the Council also must decide how long to allow for public comment. The purpose of this section is to provide some background information on that timing decision. Staff presume that Council will vote on December 16 to release a draft of the Fish and Wildlife Program for public review and comment. Staff will be prepared to publish the draft and send out an email notifying the region of the draft and comment opportunity as soon as possible, possibly on December 17.

The Northwest Power Act does not specify that the Council will issue a draft for public comment, let alone specify the length of the public comment period on the draft. The release of the draft for public review and comment is very similar to the release by a federal agency of a proposed rule for public review and comment under the federal Administrative Procedures Act (APA). The APA does not specify the length of a comment period on a proposed rule either – the courts have said only that the period must be “reasonable” to allow an affected person or entity to learn of the proposal and formulate responsive comments. A typical comment period for a major rule is 60 days, but other time periods both shorter and longer are used depending on circumstances.

Staff propose that the *minimum* for a reasonable comment period on the draft program is about 60 days. The Council may wish to provide a longer timeframe and may want to consider the frequent requests to extend amendment process timeframes, regardless of how much time we allow. A draft calendar with the various sets and possibly timeline follows this memo.

As outlined at the last few meetings, based only on historical review, it typically takes the Council a minimum of three Council meetings to review, consider and deliberate changes to the draft, and make its final decision to adopt the amended Fish and Wildlife Program. The Northwest Power Act tells the Council to act on recommendations within one year. The recommendations were

received in May of 2025, so our goal is to adopt the amendments in May of 2026. In the past we have gone a little past one year a couple of times, but only when we have been requested to do so by a significant number of entities participating in our process. The current schedule for the release of the draft Power Plan includes public release shortly after the final program is adopted so those schedules should be reasonably synchronized.

It is reasonable to expect some entities in our process will request an extension for the comment period. Some may ask for many months, some might request a few weeks. In the staff's experience, the Council executes its processes regularly, while frequently the region is juggling multiple fish and wildlife regulatory or policy processes at the same time. Federal and state fish and wildlife agencies and tribes are continually managing holidays, field seasons, legislative sessions, elections, important milestones for biological opinions and recovery plans, litigation and many other planning and decision processes, as is the case now. Any of these may prompt requests for a longer comment period.

Timeline Recommendation: Given the approaching holidays, the staff recommends a 75-day comment period ending March 2, 2026.

Based on release date of December 17, 2025, options are:

- 62 days – February 17, 2025
- 75 days – March 2, 2025

The staff does not recommend a 90-day comment period as it would strain the schedule for a May final decision to adopt the Fish and Wildlife Program, but if members are interested in that option, it would mean closing the comments March 17, 2025. If the Council opts for this longer review period that infringes into the three last months of the amendment process, staff suggest it is still possible to adopt an amended program in May, however it will almost certainly require several specially scheduled Council meetings (work sessions) in the final two months of the process.

Overall staff recommendation:

The staff recommend the Council approve the release of the Draft 2026 Fish and Wildlife Program for public review and comment through March 2, 2026.

Draft calendar for remainder of amendment process. Subject to change by the Council.

Date		Activity
December 16, 2025	Council meeting (Webinar)	Final review and decision
<ul style="list-style-type: none"> December 17, 2025 		Release date (day 0) <ul style="list-style-type: none"> Email website
January 13-15	Council meeting (Portland, Or)	Oral comment
		Public hearings TBD
February 10-12	Council meeting (Portland, Or)	Oral comment
		Public hearings TBD
<ul style="list-style-type: none"> February 17 (Tues) 		<i>Possible comment deadline: day 62</i>
<ul style="list-style-type: none"> March 2 (Mon) 		<i>Possible comment deadline: day 75</i>
March 10-12	Council meeting (Portland)	
<ul style="list-style-type: none"> March 17 (Tues) 		<i>Possible comment deadline: day 90</i>
April 14-16	Council meeting (Whitefish, Mt)	Ex-parte period in final month (no external communication, legal base for decision only the captured administrative record)
<i>April 28-29</i>	<i>Hold for extra Council meeting</i>	<i>If needed</i>
May 12-14	Council meeting (Pendleton, Or)	Final review and decision
<i>May 27-28</i>	<i>Hold for extra Council meeting</i>	<i>Final review and decision (if needed)</i>
June 16-18	Council meeting (Portland)	
July 14-16	Council meeting (Portland)	Possible decision to adopt F&W Program Findings and Response to recommendations (adopt as part of the F&W Program)

Columbia River Basin Fish and Wildlife Program

Northwest Power and Conservation Council

December 16, 2025



**Northwest Power and
Conservation Council**



**Columbia River
Basin Fish and
Wildlife Program**

Topics:

1. Process check-in
2. Discuss draft amended Program
3. Decision to release draft for public review and comment
4. Next steps

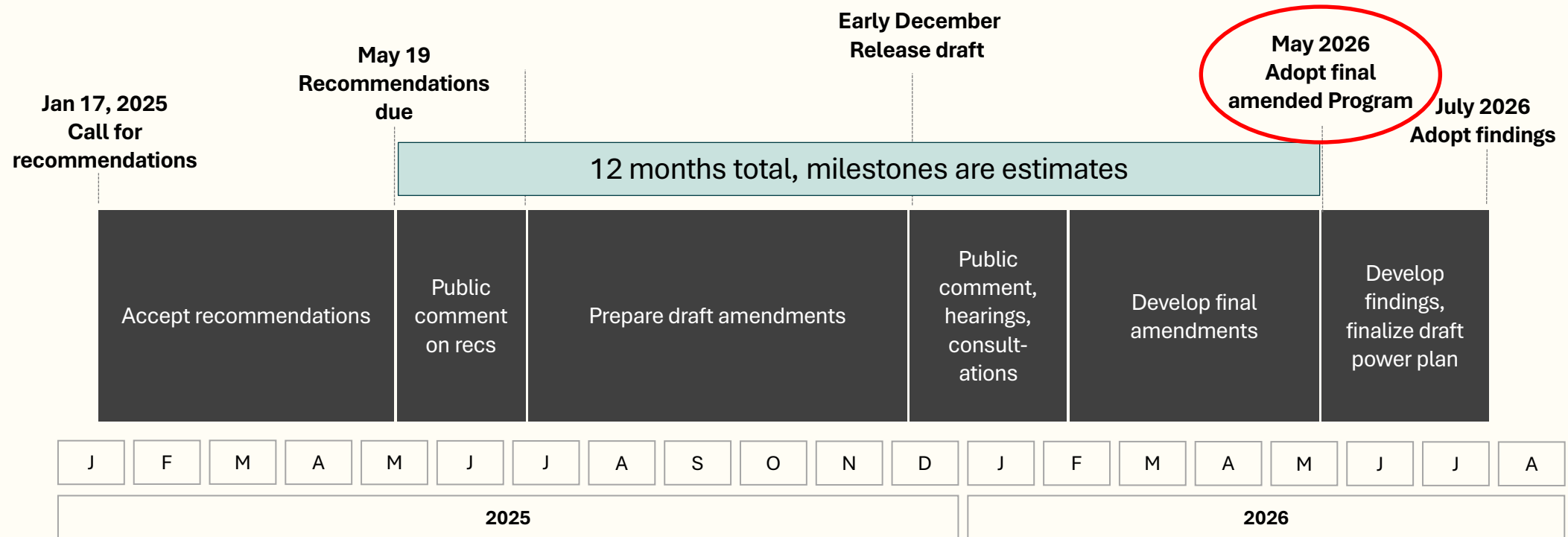


Columbia River
Basin Fish and
Wildlife Program

Overview of Fish and Wildlife Program Amendment steps



Estimated timeline for Fish and Wildlife Program Amendment Process



Discuss draft amendments



Columbia River
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Council decision to release draft amended Columbia River Basin Fish and Wildlife Program for public review



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Next steps



Columbia River
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Draft Program release

- Spotlight newsletter
 - Not signed up?
Go to **nwcouncil.org**, scroll to bottom of page
- Socials
- Website (**nwcouncil.org/amend**)
- Press release
- Public hearings (tentative, details TBD)
 - OR: Portland, Bend
 - ID: Boise, Lewiston/Moscow
 - WA: Spokane, Seattle, Yakima
 - MT: Kalispell
 - Online webinar



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REPORTS AND DOCUMENTS




See next Council Meeting
December 16, 2025 (Webinar) ›

See all meetings ›




The Draft Fish and Wildlife Program is available for public comment through February __, 2026. See our amendments page for details.

Established to inform and advance a
regional vision for power and fish &
wildlife in the Columbia Basin



Announcement
on F&W page



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Fish and Wildlife



Columbia River
Basin Fish and
Wildlife Program


The Columbia River Basin Fish and Wildlife Program represents a 40+ year effort to protect and mitigate for the impacts of the hydropower system on salmon and other fish and wildlife. The Council amends the Fish and Wildlife Program every five years based on recommendations from the region’s tribes, federal and state fish and wildlife agencies, local governments, nonprofits, energy customers, regional utilities, the public, and more.



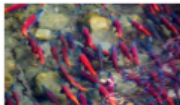
The [Draft Program](#) is now available for public comment through February __, 2026. See the [amendments page](#) for details.

2014/2020 Program

Program Tracker

40+ Years of the Program





A RETROSPECTIVE OF THE
COUNCIL’S FISH AND WILDLIFE



The Council requests public comment on its
Draft Fish and Wildlife Program.

About the amendment process

The Council amends its Columbia River Basin Fish and Wildlife Program every five years based largely on recommendations from the federal and state fish and wildlife agencies and the region’s Indian tribes. Other federal and state agencies, the Bonneville utility customers and other regional utilities, other river users, local governments, and the general public may also submit program amendment recommendations that the Council must consider.

In 2025, the Council requested [recommendations](#) in its [January solicitation](#), and [comments](#) on those recommendations in its [May solicitation](#). Since July, the Council has been working to develop a draft amended Fish and Wildlife Program based on the recommendations and comments. [Search all Council meetings](#) to see amendment work sessions.

Estimated timeline (click for detail):

Accept recommendations	Public comment on recs	Prepare draft amendments	Public comment & hearings	Develop final amendments	Develop findings, finalize draft power plan
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Submit comments on the Draft Program



The [Draft Program](#) has been released for public comment through February __, 2026, with public hearings to take place in each of the four Northwest states in February.

SUBMIT A COMMENT



Important dates

- February __, 2026: Deadline for [public comments](#)
- December 17: [Draft Program](#) released

More resources

Current Program:

- [2014 Program](#)
- [2020 Addendum](#)
- [Program Tracker](#)
- [ISAB 2024 Program Review](#)
- [Subbasin plans](#)

[Northwest Power Act](#)

Retrospective

- [Full version](#)
- [2 pager](#)
- August 2022 [presentation](#)
- September 2022 [presentation](#)

Goals and Objectives

- December 2024 [presentation](#) & [video](#)
- [Documentation](#)

Categorical Assessments:

Hydrosystem

- September 2024 [presentation](#) & [video](#)
- October 2023 [presentation](#) & [video](#)
- [Documentation](#)

Artificial Production


- October 2024 [presentation](#) & [video](#)
- [Documentation](#)
- [Hatcheries and AP resources](#)

Habitat

- November 2024 [presentation](#) & [video](#)
- Documentation:
 - [Habitat protection](#)
 - [Wildlife mitigation](#)
 - [Non-native and invasive species](#)
 - [Predator management](#)
 - [Habitat restoration](#)

[Questions and considerations](#)

Comment form

 Northwest Power and Conservation Council

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Provide a comment on the Draft 2025-2026 Fish and Wildlife Program

Comments on the [Draft Program](#) are being accepted through **February __, 2026** and will be collected and published at the [Amendments page](#) soon after the deadline for submission.

Provide a comment as formatted text below, or upload a Word, PDF or Zip file.

After submitting your comment, you'll get an email confirmation that it was received, then we'll follow up when all comments are made publicly available.

Email address (required)








Organization/affiliation

First name

Last name

Comment (or upload a file below)

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Quick links:

[Draft F&W Program](#)

[2025-26 F&W Program Amendments home page](#)