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May 6, 2026

DECISION MEMORANDUM

TO: Council Members

FROM: Patty O'Toole, Fish and Wildlife Division Director and staff

SUBJECT: Decision to adopt the 2026 Columbia River Basin Fish and Wildlife Program

PROPOSED ACTION: Council decision to adopt the proposed final 2026 Fish and Wildlife Program

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 called for recommendations to amend its Fish and Wildlife Program in January of 2025. Over the last 12 months, the Council has developed the proposed final amendments to the Fish and Wildlife Program. Staff recommends the Council consider adopting the amended Program at the May Council meeting in Pendleton, Oregon.

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 2014 Fish and Wildlife Program and its 2020 addendum consist of a program framework, basinwide provisions adopted as the 2014/2020 Fish and Wildlife Program and the subbasin plans adopted in 2004-2005.

The Northwest Power Act requires the Council to call for recommendations to amend the Fish and Wildlife Program at least every five years, prior to the review of the Council’s Power Plan. The Council began its program amendment process with a formal request in writing to the region’s tribes, state and federal fish and wildlife agencies, and others for recommendations for:

- “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

Recommendations and comments

The Council called for recommendations to amend its Fish and Wildlife Program in January of 2025. Recommendations could be submitted through May 19, 2025. The Council received 60 sets of recommendations from entities and individuals representing tribes, state and federal agencies, customer groups, environmental groups, and others.

The Council then opened a public comment period on the recommendations as required by Section 4(h)(4) of the Northwest Power Act. Comments on the recommendations were received through July 3, 2025. All the amendment [recommendations](#) are posted on the Council’s [website](#) along with the [comments](#) on recommendations received by the Council during the comment period.

Draft Program, public hearings, consultations and written comments

The Council drafted amendments to the Fish and Wildlife Program based on the recommendations the Council received as well as comments on the recommendations. The Council released its [draft](#) amended Program in December of 2025 for a 75-day public comment period that ended in March of 2026. During that time the Council held nine public hearings on the Program amendments in Oregon, Washington, Idaho, and Montana, with three virtual options, and received oral comments from many entities including tribes, state and federal agencies, customers and utility groups, environmental groups, as well as many other organizations and individuals. Council and Council staff also held seven consultations with tribal, state, and customer entities around the Columbia River Basin regarding the Program amendments. In addition to the hearings and consultations, the Council received hundreds of sets of written [comments](#) on the draft Program, which are also posted on the Council’s website. In addition, the

Council has taken public comment throughout the amendment process during its regular Council meetings. Since the close of public comment in March, the Council has worked to finalize the Fish and Wildlife Program amendments. The Council may be ready to consider adoption of an amended Columbia River Basin Fish and Wildlife Program at the May 2026 Council meeting.

Decision requirements

The rules for a final vote on the amended Fish and Wildlife Program are found in Section 4(c)(2) of the Northwest Power Act:

The plan or any part thereof and any amendment thereto shall not be approved unless such plan or amendment received the votes of:

- (A) A majority of the members appointed to the Council, including the vote of at least one member from each State with members on the Council; or*
- (B) at least six members of the Council.*

Approving the amended Fish and Wildlife Program is the first of a two-step adoption process. Following approval of the Fish and Wildlife Program, staff will prepare legal findings on the 2026 Program recommendations for amendment to the Fish and Wildlife Program and will present these to the Council for adoption as part of the Program (as required by the Act) within a few months. This final step will conclude the Fish and Wildlife Program amendment process.

Alternative decision to continue deliberations

If the Council is not ready at the May Council meeting to make a decision on the text of the 2026 Fish and Wildlife Program, it still has a decision to make. That is because Section 4(h)(9) provides that the Council “shall adopt such program or amendments thereto within one year after the time provided for receipt of the recommendations.” That one-year period will end a few days after the May Council meeting. If the Council is going to extend its deliberations past that one year, we must do so deliberately and explicitly with a motion and vote to continue that explains the need.