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December 5, 2023

MEMORANDUM

TO: Fish and Wildlife Committee Members

FROM: Council staff

SUBJECT: Continued discussion on the implementation of the Fish and Wildlife Program

BACKGROUND:

Presenter: Council Staff

Summary: Council staff will provide additional information and discuss possible options to improve transparency and accountability for tracking the implementation of the Program.

Relevance: For the Council and its Fish and Wildlife Program to be effective and accountable, reporting and tracking processes are necessary to track implementation and results, to guide future decision making, to help ensure the scientific-soundness of projects, to coordinate with other projects and programs, and to recommend priorities of new work as funds become available.

Workplan: This effort is consistent with Fish and Wildlife Division work plan 2023; Program Implementation.

At the November Fish and Wildlife Committee meeting last month, the staff noted that improvements can be made in how Bonneville shares information related to implementation of the Council's Fish and Wildlife Program and the Council's project recommendations (please see [November 2023 packet memo](#)). The staff described the need for better, more systematic information from Bonneville as to what is being implemented, and especially information and explanations for changes. At the November meeting, the staff offered to bring further details regarding options to improve communication and transparency for the December Council meeting.

Also, at the November meeting we heard from Jason Sweet, the Bonneville Fish and Wildlife Director, that he recognizes that improvements can be made in how information is shared and further staff-to-staff discussions are anticipated. Staff understands that Bonneville and Council attorneys are committed to helping with this effort. We appreciate the commitment and look forward to working together on this.

In the interim, and absent any agreement, the staff will continue to develop options for an alternative process to improve communication and transparency. A description of options for consideration is being developed by staff, drafted below.

Options for consideration:

Reestablish Quarterly Reviews at Fish and Wildlife Committee meetings

As mentioned at the November Committee meeting, one option is to re-establish a quarterly review of implementation changes (e.g., budget, material project changes, new projects, closing projects, etc.) at the Council’s Fish and Wildlife Committee meetings. This option maximizes an important strength that the Northwest Power Act and the Council brings to the region - that its work is conducted in public, thereby improving accountability of Program implementation.

The staff suggests that the Start of Year budget could be utilized as an initial starting point. The Council anticipates that the Start of Year budget will be received from Bonneville prior to or at the beginning of each fiscal year. The staff would then bring significant issues and concerns forward to the Committee as they relate to past Council recommendations. If the Council determines that additional information is needed staff would draft a letter to Bonneville requesting additional detail and request a presentation to the Council at an upcoming meeting Bonneville will be requested to continue quarterly updates to the Fish and Wildlife Committee as outlined in Table 1 to describe changes to the , project scope or project intent, and any new projects and any close out of existing projects.

Table 1: Quarterly process schedule:

Fiscal Year Quarter	Presentation by Bonneville to Council’s F&W Committee
1st	January
2nd	April
3rd	July
4th	Addressed as part of upcoming SOY

This process would allow the Council to track and document changes through the fiscal year and provide opportunities for discussion and correspondence if issues and concerns arise.

Moving forward with this option would require consideration of current processes, such as the Budget Oversight Group (BOG). It’s possible that this process could replace the need for a separate BOG or it’s possible that BOG could continue to address urgent and emergency needs in a timelier manner.

Detailed Response Letter to Bonneville’s Fiscal Year Start-of-Year

Another option to improve understanding of implementation of the projects in the Fish and Wildlife Program is to leverage Bonneville’s Fiscal Year Start-of-Year (SOY) budget

information for the direct Program's projects. Similar to what is outlined above (could be complimentary), the staff could put the emphasis on trying to build a common understanding of project implementation on the received SOY. Any questions or concerns raised over the fiscal year that have not been clarified at the staff level and documented in the summary record associated with project implementation would be discussed.

As an example, please see Attachment 1 that is a compilation of draft comments and questions generated from Council staff (state and central) based on [Bonneville's FY 2024 SOY](#) (as received on October 10, 2023). These draft comments can be formatted and edited for the Fish and Wildlife Committee to send to Bonneville.

Revise the Budget Oversight Group (BOG)

In addition, another option or complementary option is to work with Bonneville to revise [Budget Oversight Group \(BOG\)](#) process. The goal would be to reconfirm a common set of expectations and criteria, maintain a regular venue for communication between Bonneville and Council staffs, and ensure transparency and documentation for project adjustments. The current process has not been updated since 2017 and does not reflect the current implementation tools used for the F&W Program, including:

- New projects – new projects associated with Council recommendations, Accords, settlements etc.
- Merged Projects – existing projects that have merged to one project for contractual efficiencies.
- Project close outs – projects that have been closed out for a variety of reasons.
- “Tell” letters – a process used by Bonneville in the past to inform the Council on their action taken to fund new projects or discretionary actions.

Attachment 1: Staff comments on Bonneville’s Fiscal Year Start-of-Year (SOY) budget information for Fiscal Year 2024.

Compilation of comments generated from Council staff (state and central) based on [Bonneville’s FY 2024 SOY](#) (as received on October 10, 2023). Please note that past questions not addressed in association with the SOY 2023 are also included (see last bullet).

- General comments
 - Project title changes - Notice regarding new titles would be appropriate through the BOG process for receiving implementation information. Title changes have caused problems in the past being able to understand whether and how projects have changed related to the proposal reviewed and recommended.
 - Merged projects - Notice would be appropriate through the BOG for receiving implementation information to ensure we understand the relationship of the merged project to the projects and that merged projects are documented for the record. For example, the following warrants additional details and transparency.
 - Project #2023-007-00, *ODFW East Region Salmonid Life Cycle Monitoring*. Need discussion and confirmation with Bonneville regarding closing out (i.e., Project #1989-024-01) and the associated merged project (i.e., Project #1990-005-00) and the impacts to the Umatilla Hatchery Program. Because the closed projects support hatchery mitigation recommended by the Council as part of its adopted Fish and Wildlife Program, we need clarification whether the M&E work associated with the Umatilla Hatchery Program is planned to continue as reviewed and recommended under this new project number Project #2023-007-00, and if not, why not.
 - Threshold Issue – Explanation needed to understand whether projects that have budget changes are still serving the mitigation function intended – and if not, why not. We are using percentage of budget change as a threshold for asking for explanation.
 - Projects with a plus or minus 10 percent variance of the approved BPA SOY budget; and greater than \$75,000.
 - For Accord/MOA tagged projects with a greater than a plus or minus 20 percent variance in relation to the planning budget as reflected in the approved BPA SOY budget (in relation to the annual project budget).
 - Substantial expense increase (i.e., 1077%) to wildlife mitigation projects (e.g., Project #1992-061-03, *Albeni Falls Wildlife Mitigation-Idaho Department of Fish and Game (IDFG)*) – Detail on where the funds are coming from and how it relates to expense vs. capital and crediting.

- New Starts need a narrative form for review determination. No proposal received to date. All have been contracted.
 - Proposal #2023-002-00, *Survival & Migration of Natural Origin Chinook*
 - Proposal #2023-004-00, *Pacific Northwest Aquatic Restoration Partnership in the John Day River Basin*
 - Proposal #2023-005-00, *Tribal Conservation Enforcement-Warm Springs Tribe*
 - Proposal #2023-006-00, *Cultural and Educational Anadromous Fish Trap and Haul*

- Umatilla Hatchery Program
 - Written confirmation that BPA's elimination of Project #1990-005-00, Umatilla Hatchery Monitoring and Evaluation (M&E) (ODFW – closeout) will not impair the co-managed project. This includes the ramifications and compensation of the close-out to the related Project #1990-005-01 Umatilla Basin Natural Production Monitoring and Evaluation (M&E) (CTUIR)
 - Full description and reasoning associated with BPA's elimination of Project #1989-024-01 (ODFW), *Evaluate Umatilla Juvenile Salmonid Outmigration* (ODFW - closeout) in context to Project #1990-005-00 and Project #1990-005-01 and its relationship to the reviewed and recommended Umatilla Hatchery Master Plan, approved on October 11, 1989, that together “*collectively and comprehensively monitor and evaluate salmonid production in the Umatilla River Basin.*”
 - Document how the close out affects the base M&E associated with the hatchery, identify the status of the core PIT Tagging and CW Tagging and their associated analyses, confirmation that the Umatilla managers and the Monitoring, and Evaluation Oversight Committee (UMMEOC) are aware of this alteration to the monitoring associated with the Umatilla Hatchery Program.
 - Outline where and how lost components of the Umatilla Hatchery Program M&E will be addressed (i.e., who will be compensated) to ensure the monitoring program will meet the needs of the Umatilla Hatchery Program as previously reviewed and recommended (e.g., AFHH review).
 - Determination on the Umatilla Hatchery Program M&E plan is warranting a review and recommendation by the Council.
 - In addition, an important note is that it is critical with all the anticipated improvements and changes being made at the Umatilla Hatchery and the satellite facilities, that base monitoring is continued.

- Washington Wildlife lands and a hatchery (i.e., part of the Lake Roosevelt Resident Program). Both wildlife lands and hatchery O&M are investments. Need assurance that nonrecurring maintenance is being supported for both Program investments. A portfolio adjustment needs additional details. Most

WDFW's wildlife lands received a *WDFW Wildlife O&M portfolio adjustments + 4.4% increase* (see following)

- Project #1991-061-00, *Swanson Lake Wildlife Mitigation @24%*
 - Project #1994-044-00, *Sagebrush Flat Wildlife Mitigation @18%*
 - Project #1996-094-01, *Scotch Creek Wildlife Mitigation @13%*
 - Project #2003-012-00, *Shillapoo Wildlife Mitigation @13%*
 - Project #2006-005-00, *Asotin Creek Wildlife Mitigation @13%*
- Project #2006-004-00, *Wenas Wildlife Mitigation* received a 6% reduction. Explanation needed to why this investment did not receive a favorable adjustment for non-recurring maintenance.
- Project #1991-047-00, *Sherman Creek Hatchery Operations and Maintenance (O&M)* was tagged with the same comment and is receiving a 7% reduction. Explanation is needed on WDFW Wildlife portfolio adjustments are affecting another Program investment (i.e., Sherman Creek Hatchery, Project #1991-047-00 as part of the Lake Roosevelt Resident Program). This is of concern since the Asset Strategic Management Plan has provided funds to the project for non-recurring maintenance needs totaling \$266,300 (FY 2017 to 2023).
- Project #2021-001-00, *Umatilla National Wildlife Refuge Habitat and Public Use Monitoring.*
 - BPA's SOY states:
 - *4.4% increase + permanent increase to reflect implementation need; Proposal was provided to Council for review and recommendation, but the Council elected to pass (6/2/23 email from Patty O'Toole).*
 - BPA's notes column should be corrected. The June 2, 2023, email (referenced) actually states the following.
 - *New project (Proposal #2021-001-00, Umatilla National Wildlife Refuge Habitat and Public Use Monitoring) – I do not support the implementation of this new proposal through the direct program, given the program is being held at or below the rate of inflation for several years and this request is no consistent with Fish and Wildlife Program priorities. June 30, 2023 email from Jason states - Columbia River System Operations (CRSO) EIS process, the US Army Corps of Engineers contracted with the US Fish and Wildlife Service (FWS) to complete a Fish and Wildlife Coordination Act Report (report). In that report, FWS noted the potential for these water management operations to impact wildlife and habitat at the refuge. This report is appended to the CRSO EIS. See CRSO EIS App. U. The co-lead agencies noted certain recommendations were under consideration. See id.; see also CRSO ROD at 53. BPA's consideration of this recommendation was the impetus for initiating this relatively low-cost, limited duration project in 2021. The project had a delayed start and is now into the second year of a five-year implementation period, which BPA intends to complete.*

- Hood River Production Program (HRPP)
 - Hood River Production Program (Project #1988-053-03).
 - Hood River Production Program is in transition (i.e., Winter steelhead production is phased out, an increase in production of spring Chinook is planned).
 - As outlined in the AFHH review the program was to consolidate five projects into one. Project #1988-053-03, Hood River Production Monitoring and Evaluation (M&E – CTWS) will subsume Project #1988-053-04 (not in FY2024 SOY) Hood River Production Monitor and Evaluation (M&E – ODFW); Project #1988-053-07, Hood River Production Operations and Maintenance (O&M – CTWS); Project #1988-053-08, Hood River Production Operations and Maintenance (O&M) and Powerdale (ODFW); and Project #1988-053-15 (not in FY2024 SOY), Hood River Artificial Production-Parkdale (CTWS/ODFW). The new name for the consolidation is Hood River Production Program.
 - In addition, the Council needs confirmation from CTWS and Bonneville on timeline and transition details per AFHH review recommendation, including the ODFW projects and contracts.
 - Hood River Production Operations and Maintenance (Project #1988-053-07)
 - Increase of 8% yet the project is to be phased out (see above, Project 1988-053-03)
- Project specific carry-over questions from FY 2023 SOY – not addressed as part of Bonneville’s response of March 30, 2023, or additional inquires (i.e., Ladd Marsh).
 - There were 3 projects being implemented in 2022 that are not included in the SOY23, is there a record for what happened to these projects that were part of our Project Mapping exercise in 2021/22?
 - Project #2000-021-00, Ladd Marsh Wildlife Mitigation. Please send us copies of any agreements between BPA and ODFW concerning the final # of HUs provided and the land manager's long-term site management plan as well as BPA's ongoing monitoring and enforcement plan.

Project Number	Wildlife Management Area	Proponent	Parcel	Mitigated Dams	Min Hus	Current HUs	Protected HUs	Enhancement HUs	Acres Protected	Parcel acres protected	Purchase Cost	Parcel purchase cost
2000-021-00	Ladd Marsh	ODFW			0	641	228	413	919		\$986,500	
			Conley Lake	Lower Snake						160		\$149,500
			North City	Lower Snake						75		
			Simonis	Lower Snake						375		\$539,000
			Wallender	Lower Snake						309		\$298,000

- Project #2001-031-00, Resident Fish Symposium
- Project #2021-002-00, BPA direct purchase of Fish Food

- Project #2000-016-00, *Tualatin River National Wildlife Refuge Additions*.
 - *Has this project closed out, and what happened to these funds? Does this cut in budget preserve the mitigation credits that BPA is committed to maintain? Please send us copies of any agreements between BPA and USFWS concerning the final # of HUs provided, the property mgmt plan by USFWS, and BPA's ongoing monitoring and enforcement plan. What happened to the funds?*