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November 5, 2024

MEMORANDUM

TO: Council Members

FROM: Patty O'Toole, John Shurts

SUBJECT: Discuss draft outline of letter calling for Fish and Wildlife Program amendment recommendations

BACKGROUND:

Presenter: Patty O'Toole, John Shurts

Summary: 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. If the Council continues its current schedule, the decision to formally send that letter will happen in January 2025. At the November meeting, the staff will discuss with Council the outline and ideas for the letter. The staff will make that outline 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 draft outline will highlight these required elements of the letter.

The Council may also, as it has in the past, wish to include guidance or suggestions on topics that the Council would like the recommending entities to consider as they prepare their recommendations. The Council may also want to use the letter to suggest that recommending entities focus mostly or wholly on just certain aspects of the Program for amendment. The staff outline will suggest several topics for consideration, and the Council members may have more to add.

At the same time, the Council need not include any specific guidance or topic suggestions and may instead simply request program amendment recommendations without further guidance. However the Council seeks to direct the amendment recommendations, the Council will have to address under the Act 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 November Council meeting staff and members will discuss an outline for a draft letter that the Council prepares to request recommendations to amend the Program. *This outline 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.

The Council may (though not required), as it has in the past, wish to 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.

The bulk of the Program, including its framework and many of its measures, have not changed substantially in recent amendment cycles. Much of the focus in 2020 was on refining the set of Program scale goals and objectives and identification of a set of indicators, which were further refined and populated following the amendment process in collaboration with regional experts from state and federal fish and wildlife agencies and tribes. In addition, the 2020 amendment included implementation provisions aimed at protecting important mitigation work even as Bonneville was working to control its costs.

Over the last several months, in preparation for the amendment process, staff and Council members have been discussing staff work to review the existing Program measures (actions), understand their implementation and surrounding context, and assess program scale performance.

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.

Current state of the Fish and Wildlife Program:

Forty-two years of development and implementation of the Council’s Columbia River Basin Fish and Wildlife Program has yielded (examples):

- A comprehensive fish and wildlife program that incorporates best scientific information and best professional knowledge from across the Columbia River Basin and is strongly coordinated with other federal, state and tribal programs and plans.
- Changes in dam and reservoir management and improvements in fish passage infrastructure that have resulted in increased survival of juvenile and adult fish.
- A significant and ongoing funding stream that addresses hydrosystem impacts to fish and wildlife and leverages other funding sources.

- Designation of Protected Areas in which future hydropower development would have unacceptable risks to fish and wildlife species of concern, with full implementation by Federal Energy Regulatory Commission.
- Mitigation for wildlife losses caused by construction of the Columbia River dams and inundation of adjacent land.
- A coordinated, consistent set of subbasin plans for the basin that identify priority restoration and protection actions for fish and wildlife populations and their habitats.
- Independent scientific review and analysis through panels of subject matter experts recommended by the National Academy of Sciences.
- Major investments in habitat improvements and habitat restoration focused on addressing the most critical impacts on fish and wildlife.
- An increase in hatchery fish production upstream of Bonneville Dam to address tribal treaty fishing rights.
- Scientific advances in hatchery programs with a focus on achieving conservation purposes.
- Increasing trends in overall salmon and steelhead counts at Bonneville dam over the last twenty years (not all stocks showing this trend).
- Increased public awareness of challenges, issues and opportunities for protection, restoration and enhancement of fish and wildlife affected by development and operation of the FCRPS.

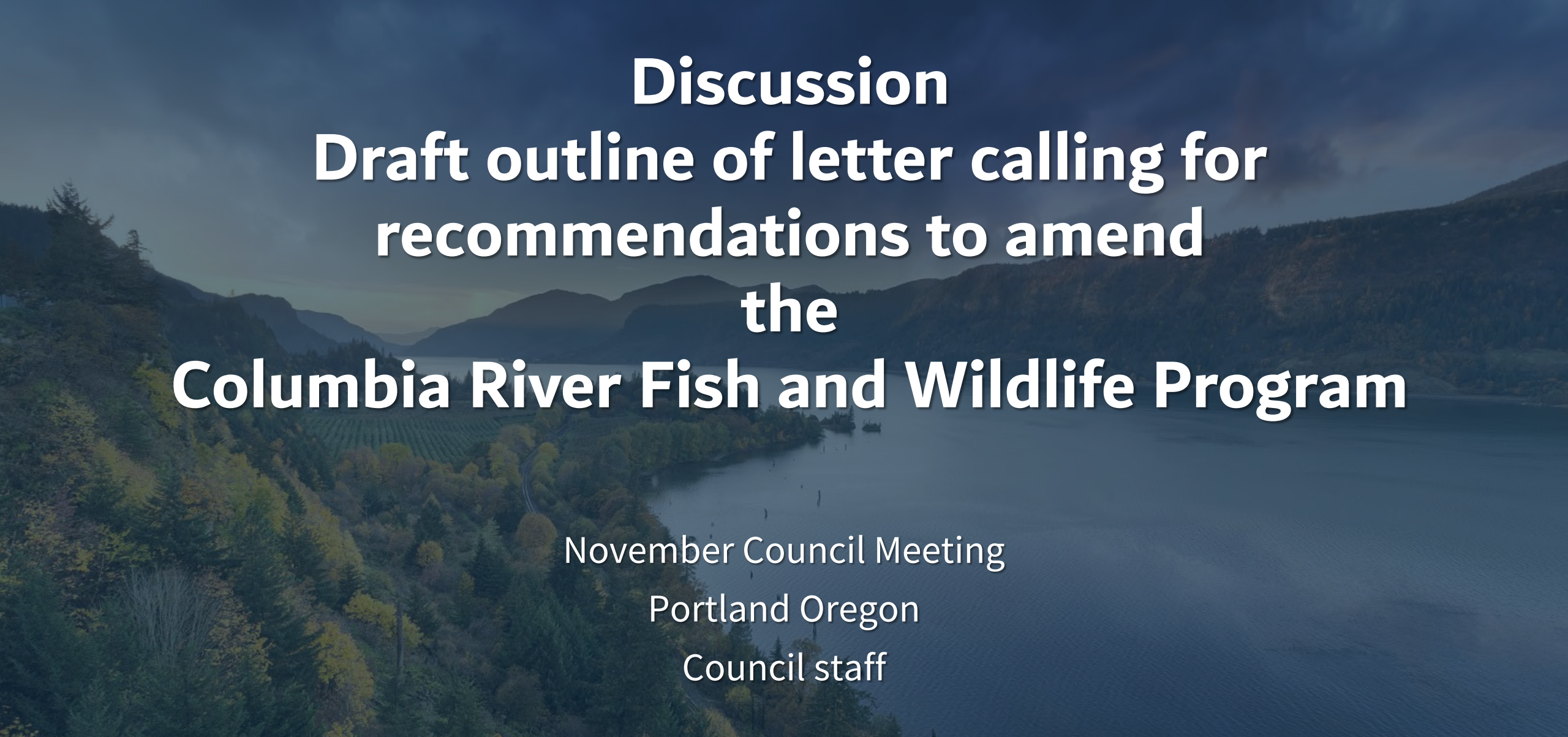
The 2014 Fish and Wildlife Program and its 2020 addendum has yielded (examples):

- A comprehensive set of Program level goals, objectives, and indicators, established collaboratively with the basins' state and federal fish and wildlife agencies and tribes. A staff report on these goals and objectives is anticipated for the December Council meeting.
- Shifts in habitat restoration from isolated restoration actions to more integrated actions, along with enhanced focus on removing fish passage barriers, restoring floodplain habitat in the tributaries, and restoring mainstem habitat.
- Program projects are occurring in prioritized resilient habitats that are: 1) designed for higher flood stages; 2) revised planting regimes for future climate; 3) protecting and connecting cold-water sources; and 4) ensuring connectivity under altered hydrologic conditions.
- Advanced pinniped legislation.
- Funding and collaboration among parties to address the introduction and proliferation of Northern Pike.
- Federal funding for invasive mussel watercraft inspection stations in four states.
- Funding for assessment of salmon habitat in the blocked area of the Upper Columbia.

- Implementation of a phased approach to reintroducing salmon into the blocked area of the Upper Columbia River.
- Completion of a high-head dam passage assessment report.
- Development of an Asset Management Strategic Plan including an extensive inventory of needs (hatcheries, screens and lands), prioritization of needs and funding to ensure longevity and integrity of Program investments.
- A revised research plan linked to critical uncertainties.
- Continued progress towards mitigating construction and inundation losses for wildlife affected by the hydrosystem.
- Settlement for wildlife losses in northern and southern Idaho and the Willamette basin.
- Anadromous and resident fish production programs to support harvest and conservation objectives:
 - Maintaining and enhancing both Treaty and Non-Treaty harvest
 - Preventing extirpation
 - Re-establishing extirpated populations
- Construction of the Melvin R. Sampson Hatchery in 2020 to reestablish Coho Salmon to historically occupied tributaries of the Upper Yakima subbasin.
- Construction of ?lmtwaha Fish Hatchery in 2021 to reestablish Spring Chinook in the Walla Walla River subbasin.
- Extensive research and development of conservation aquaculture methods for Pacific Lamprey and Burbot.
- Conservation aquaculture to prevent extirpation of endangered Kootenai Sturgeon.
- Project reviews to ensure projects are meeting science review criteria.
- Convened or supported science-policy & coordination forums:
 - Ocean Forum
 - Sturgeon workshops
 - Lamprey Technical Workgroup and Conservation Team meetings
 - Eulachon forum
 - Floodplain technical workshop
 - Regional Coordination Forum
 - Lamprey synthesis report

Recent developments

Several recent developments that may influence the Program and its implementation along with broader context, were discussed at the October Council meeting. Instead of including those details here, please refer to the October [briefing memo](#) for a thorough outline of these developments.



Discussion
Draft outline of letter calling for
recommendations to amend
the
Columbia River Fish and Wildlife Program

November Council Meeting
Portland Oregon
Council staff



Northwest **Power** and
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Northwest Power Act

- Develop 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



NW Power Act definition of mitigation responsibility

- Mitigation responsibility -all hydroelectric facilities in the U.S. portion of the Columbia Basin regardless of ownership or location
- Protection and mitigation - achieved through onsite actions (hydrosystem water management, flows and passage measures) and offsite mitigation and enhancement actions (tributary and estuary habitat and production measures)
- BPA to use its fund and authorities to protect, mitigate, and enhance fish and wildlife in a manner consistent with the Council's program
- Other federal agencies (Corps, Reclamation, FERC) as well as BPA must take into account Council's program in decision making "to the fullest extent practicable at relevant stages of decisionmaking," while also treating fish and wildlife equitably with other authorized purposes of the dams

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.

Northwest Power Act -Program Amendment Process

- Council has legal obligations to the recommendations, and to the activities, perspectives and legal authorities of the agencies and tribes.
- Recommendations, related information, comments on recommendations and draft amendments form the bulk of the **administrative record** for Council's decisions on the program.



Overview of Fish and Wildlife Program Amendment steps

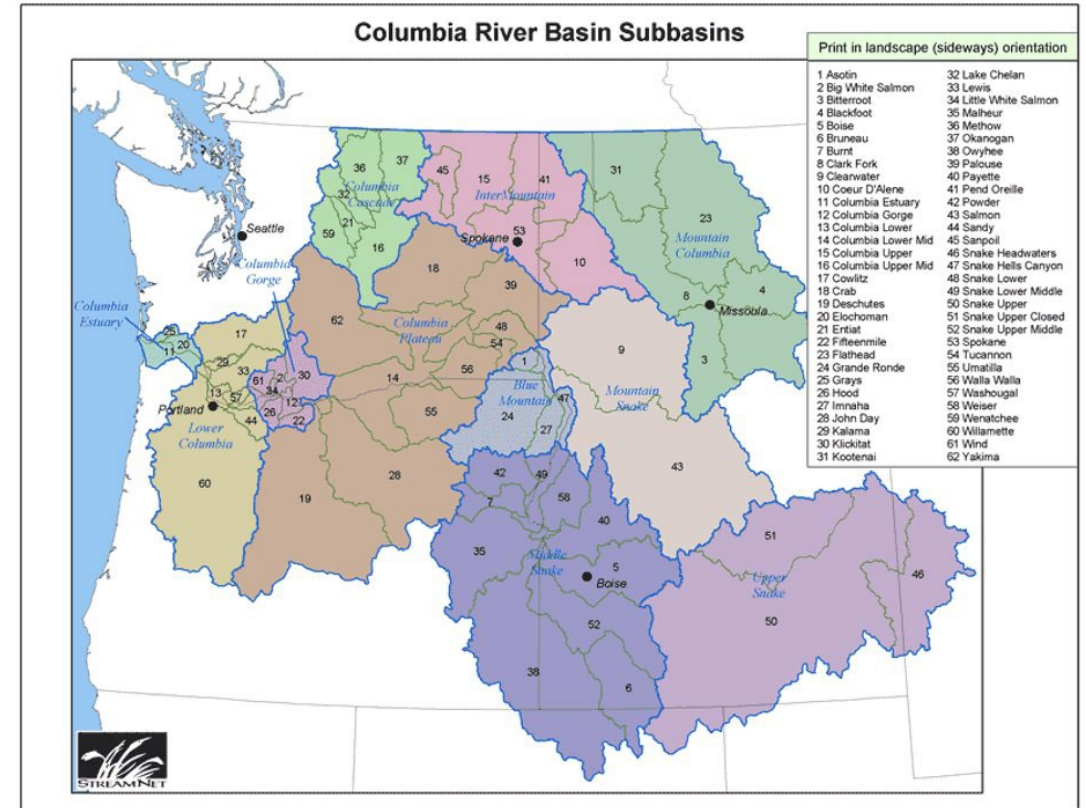
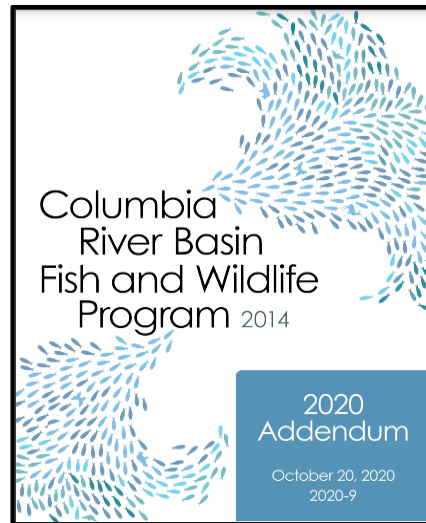
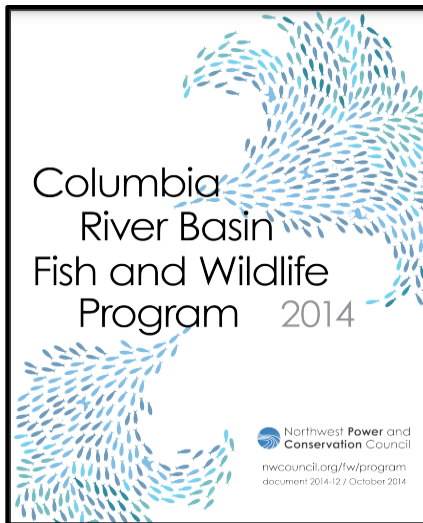


Step 1: Call for F&W Program amendment recommendations [Sections 4(h)(2) and (3)]

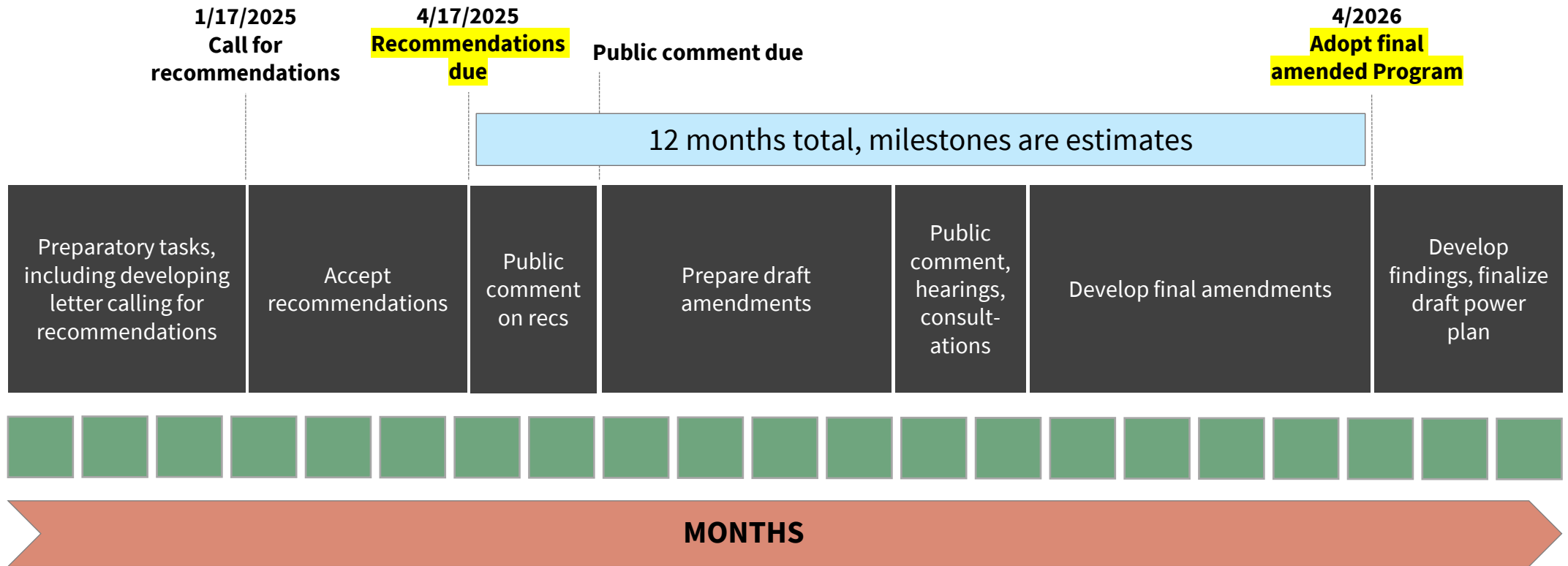
- Request in writing from federal and state fish and wildlife agencies and tribes
- For “measures” and “objectives” (and coordination and research) (see next slide)
- Everyone else, too (federal and regional water management agencies; region’s electric power producing agencies; Bonneville customers;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

Current Program: 2014 + 2020 Addendum

- Measures grouped into 23 strategies and 59 subbasin plan management plans
- Goals and objectives reviewed and revised in 2020 Addendum



Estimated timeline for Fish and Wildlife Program Amendment Process





Discuss outline

2024 Calendar of topics by month (draft)

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 (2.5 hrs) Review draft letter calling for recommendations (30 min)

2025 Calendar of topics by month (draft)

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 XX • 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
June	<ul style="list-style-type: none"> • All day amendment work sessions <ul style="list-style-type: none"> *Will need multiple days