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Request for Recommendations to Amend the Northwest Power and Conservation Council's 2014 Columbia River Basin Fish and Wildlife Program and its 2020 Addendum

January 17, 2025
Council Document No: 2025-1

To the state and federal fish and wildlife agencies, the region's Indian tribes, and other interested parties:

The Northwest Power and Conservation Council (Council) seeks recommendations to amend the Columbia River Basin Fish and Wildlife Program.

Recommendations should be submitted online at nwcouncil.org/amend; please complete the online form or attach the recommendations in a separate file. The deadline for submission is 5pm Pacific time on **April 17, 2025**. All recommendations will be made available for public review and comment after that date. This letter, associated materials, news, and updates regarding the amendment process will be posted at the above link.

The current version of the Program is a combination of the 2014 Columbia River Basin Fish and Wildlife Program and its 2020 Addendum. The 2014 Program also includes 58 separate subbasin plans. The Program can be found here: nwcouncil.org/reports/2014-columbia-river-basin-fish-and-wildlife-program.

Please find attached additional background on the Northwest Power Act of 1980 and what it requires in terms of recommendations for the Fish and Wildlife Program amendments, as well as a short discussion of current topics that the Council invites you to consider in developing your recommendations.

Mike Milburn, Council Chair

DEADLINE EXTENSION: On March 27, the Council approved extending the recommendations deadline to **May 19, 2025**.

Background on the 1980 Northwest Power Act and the Columbia River Basin Fish and Wildlife Program

Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (or the Northwest Power Act), Congress directed the Council to develop and periodically amend 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 the hydroelectric facilities on the Columbia River and its tributaries, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. The Northwest Power Act can be found here: nwcouncil.org/poweract_council. Section 4(h) is the provision that describes the Columbia River Basin Fish and Wildlife Program (Program).

The Act requires the Council to call for recommendations to amend the Program prior to its review of its Northwest Power Plan; the Power Plan must be reviewed at least every five years. The process begins with a formal request in writing to the tribes and state and federal fish and wildlife agencies 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
- Fish and wildlife management, coordination, and research and development (including funding) which will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams

The Act also allows recommendations to be submitted by federal and state water management agencies, regional electric power producers, utility customers of the Bonneville Power Administration, and the public. The Council provides wide public notice of the request for recommendations for that purpose. All recommendations must be accompanied by detailed information and data in support. The Act requires that the Council allow at least 90 days for entities to respond to the request for recommendations.

Additional steps:

- The Council must act on program amendment recommendations within one year of the date set for receiving recommendations.

- Prior to that one-year mark, the Council must seek public review, allow opportunity for oral and written comment on the recommendations, and engage where appropriate in consultation with relevant agencies, tribes, Bonneville utility customers, and others.
- After receiving the recommendations and the comments on the recommendations, the Council produces a draft Program, which then also undergoes public review and comments.
- Finally, the Council develops and adopts an amended Program on the basis of the recommendations, comments, supporting documents, and consultations.
- If the Council does not include a recommendation in the amended Program, a written response must be provided as to the reasoning.

After the Program is adopted, the Bonneville Power Administration has a responsibility under the Act to use its fund and authorities to protect, mitigate and enhance fish and wildlife affected by the hydroelectric facilities “in a manner consistent with” the Council’s Fish and Wildlife Program. All federal agencies operating, managing or regulating Columbia River hydroelectric facilities – including the U.S. Army Corps of Engineers, the Bureau of Reclamation in the Department of the Interior, and the Federal Energy Regulatory Commission, as well as Bonneville – have a separate obligation under the Act to take into account the Council’s Fish and Wildlife Program “to the fullest extent practicable” when exercising their authorities.

Finally, the Act requires that the Program be incorporated as an element of the subsequent regional Northwest Power Plan. Bonneville has a separate obligation under the Act to acquire sufficient resources, consistent with the Council’s Power Plan, to not only meet its contractual power sales obligations but to assist in meeting the fish and wildlife protection and mitigation requirements in the Council’s Program.

Please find attached some pertinent topics that the Council invites you to consider in developing your recommendations.

Columbia River Basin Fish and Wildlife Amendment Recommendations 2025 Topics for Consideration

Recommendations for amendments may be proposed for any part of the Program. The Council briefly highlights here certain topics that may be most relevant to this amendment process.

Recommendations in the context of the ongoing implementation of an extensive and established Program

The measures and objectives in the Council's Fish and Wildlife Program have been built up collaboratively through recommendations from the region over 40 years and represent a generally established body of work. The same is true for the bulk of ongoing program implementation.

Given that circumstance, and emphasizing again that recommendations are welcome on any aspect of the Program, the Council proposes that recommending entities consider where there may be important gaps or opportunities in the Program and its implementation:

- Are there important gaps in Program measures and objectives, or in implementation that should be addressed?
- Are there measures or provisions that are no longer relevant and should be removed?
- Are there implementation actions that should be phased out or be reduced in priority?
- Are there reasons to significantly revise or evolve the priorities of the Program?
- What topics should the Council and the region include in the revised Program to advance or influence over the next five to ten years, that might not be addressed otherwise?

The Council is particularly interested in hearing from the state and federal fish and wildlife agencies and the region's Indian tribes as to what the Council might do in the Program to help them implement their activities more efficiently and effectively.

Program performance

Council staff have prepared and presented assessments of program implementation and performance based on broad categories of work. These categories include a program retrospective; staff assessments of hydrosystem operations, artificial production, habitat; and a report on program goals, objectives, and strategy performance indicators. In developing these assessments, Council staff identified topics and questions for consideration by the region when making recommendations for amending the Program. The recorded presentations, slides, and

associated documentation, as well as the list of topics and questions for consideration, can be found at nwcouncil.org/amend.

Hydrosystem operations

Under the Northwest Power Act, the Program is to include measures that provide improved survival for migrating fish at the dams, and reservoir operations and flows of sufficient quality and quantity to improve the productivity, migration, and survival of fish within and through the hydrosystem. The current Program includes extensive system operations and dam modifications intended to benefit anadromous and resident fish.

As noted above, the Council staff identified a set of issues and questions for the region to consider after assessing the implementation of hydrosystem operations measures in the Program, which can be found at nwcouncil.org/amend. Recommending entities may also wish to consider a number of recent developments regarding system operations that may warrant additional or different hydrosystem measures in the Program, including:

- The December 2023 settlement agreement between the federal government and some regional entities that established a new set of juvenile salmon passage spill operations and related provisions on adaptive management
- Anticipated changes in Columbia River inflows to the United States from Canada and operational effects in the U.S. related to the modernization of the Columbia River Treaty, affecting both fish and wildlife and power operations
- Current and anticipated changes in hydrosystem operations to better integrate those operations with the evolving regional power system - the use and value of hydrosystem flexibility in a changing regional power supply is likely to be a significant issue in both the upcoming Fish and Wildlife Program amendment process and the subsequent Power Plan process

Integrating new implementation agreements

Each revision of the Fish and Wildlife Program presents issues for the Council to consider in terms of how to understand and integrate the effects of implementation decisions and agreements that happened in the interim. Since the 1990s, this has included implementation decisions after Endangered Species Act reviews, including actions and performance standards required for implementation in Biological Opinions and court-ordered additional spill after ESA litigation. Since at least 2008, it has also included multi-year implementation commitments such as the Columbia Basin Fish Accords.

There have been several additional agreements made since the adoption of the 2020 Addendum. This includes actions contained in the preferred alternative of the 2020 CRSO EIS and related Biological Opinions. It also includes several implementation agreements that came out of the subsequent litigation, such as the agreement between the federal government and three tribes to support the tribes' Phase 2 Implementation Plan (P2IP) to study the feasibility of reintroduction above Grand Coulee and Chief Joseph dams, consistent with the 2014 Fish and Wildlife Program.

The Council will have to consider whether and how to reflect and integrate these implementation agreements and what their development means for provisions already in the Program. The Council welcomes recommendations to that end. The Council will also have to consider the meaning of greater integration of non-ratepayer-funded mitigation activities that may result from the implementation of the latter agreement, including the implications for periodic project review which is focused on the Bonneville-funded actions.

A final point the Council would ask recommending entities to consider is that over the last 30 years, while the Program itself has evolved in terms of its measures and priorities, implementation and funding has changed in episodic increments linked to litigation. It seems an unfortunate way to manage and adapt the implementation of such a large and important protection and mitigation program. The Council welcomes ideas in the recommendations for how to express in the Fish and Wildlife Program the need for a less reactive, more thoughtful and comprehensive approach to how to adapt program implementation over the span of decades.

Independent Scientific Advisory Board's Review of the Fish and Wildlife Program

The Independent Scientific Advisory Board (ISAB) recently completed a review of the Council's 2014 Columbia River Basin Fish and Wildlife Program and its 2020 Addendum [ISAB review of 2014/2020 Program](#). Recommending entities may want to consider the ISAB's report when developing recommendations for program amendments.