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May 4, 2004

To: Fish and Wildlife Committee

From: Doug Marker, Director
Fish and Wildlife Division

Subject: Discussion of implementation of Mainstem Amendment measure concerning Council sponsorship of federal hydrosystem decision making structure.

At our May committee meeting we have scheduled an initial discussion of implementing the 2003 Mainstem Amendments measure concerning annual and inseason decision making for federal hydrosystem operations for fish and wildlife. Jim Ruff and John Palensky from NOAA will join us to describe the current implementation decision structure. The *Guidelines and Procedures* for the current structure are attached.

This memo presents issues for the Committee's discussion of implementing the measure. The staff is seeking guidance from the Committee to develop in more detail a proposal for implementation. We also propose to review these issues with the Implementation Team and other participants in the current regional decision structure.

Background:

In the 2000 Program and then in more detail in the 2003 Mainstem Amendments the Council called for joint sponsorship of the implementation structure for annual and in-season operations and for recommendations on funding for passage improvements (p. 28, 2000 Program; p. 29, 2003 Mainstem Amendments). The current implementation structure is referred to as the "Regional Forum" and is composed of several work groups. The central work groups are:

- **The Implementation Team** is a senior staff group that reviews operations and implementation issues and is intended to be a forum for dispute resolution.
- **The Technical Management Team** discusses in-season river operations and attempts to reach recommendations responding to requests for changes to system operations
- **The System Configuration Team** reviews and prioritizes passage improvements and research proposed for the federal dams

- **The Water Quality Team** provides scientific and technical recommendations and advice on water quality issues

NOAA intended the Regional Forum to establish a **Regional Executives** group of the top regional federal agency officials, representatives of the Governors and the tribes as the ultimate forum to resolve disputes. This group has been called sporadically as needed and lacks a defined agenda, presentation and decision-making process. To be clear, final operation and facility decisions are made by the Corps in consultation with Bonneville, NOAA Fisheries and other federal agencies as appropriate.

The Mainstem Amendments identified several concerns with this implementation structure. The amendments state that *“this decision structure is insufficient to integrate fish and power considerations in a timely, objective and effective way, and it focuses on listed fish with little consideration for unlisted anadromous and resident fish and wildlife”*. The amendments called for the Council to jointly sponsor the forum with the federal agencies and recommended specific ways for hydrosystem decision making to broaden its focus.

In part, this situation comes from the Regional Forum lacking a regular executive-level component. The Implementation Team was designed to provide rapid consultation as inseason issues develop. An executive level forum can work with a longer term perspective and a balancing of policy and management objectives.

Current status:

The federal agencies have generally welcomed the Council’s initiative to broaden the focus of operation and facility decision making. The Council has not yet turned to its Mainstem Amendments proposal for implementation, having focused most immediately on spill operation measures and summer operations at the Upper Columbia dams.

Issues for discussion:

Council co-sponsorship could focus attention on specific approaches to the current implementation structure, including:

- Incorporating consideration for non listed anadromous and resident fish and wildlife
- Establishing a longer-range schedule of issues to anticipate operation and implementation issues well in advance of the critical decision deadlines.
- Securing top-level management and policy commitment to decision making processes and assignments

- Supporting clearer issue identification, decision agenda development, meeting preparation and presentation and documentation of decisions.

One approach would be for the Council itself to chair a regular executive-level forum to review and recommend resolution to operation and funding issues. Council sponsorship could elevate the policy development on these issues, especially if chaired by a Council member. The Council and its staff have been successful at supporting long range agenda development, issue material and higher profile policy deliberations in other arenas, most recently for subbasin planning through the Regional Coordination Group.

The Council would seek complete participation by the federal agencies in their regulatory and management capacities. Those agencies would not surrender their decision-making responsibilities but would participate at the executive level in the interest of full airing of the issues in a regional forum and securing the participation in those policy discussions from the senior policy representatives of the states and the tribes.

Convening an executive-level forum could retain the existing technical and management structure of the current Regional Forum. It could put the current Implementation Team in the role of final issue definition and policy analysis for preparation of agenda items for the executive-level forum. Alternatively, the executive-level forum could subsume the current Implementation Team and the other current technical teams would report directly to the new group.

Council resources to support such a structure might include:

- A Council member to serve as convenor and Chair (or co-chair)
- Agenda development and meeting material support by Council staff
- Council funding for meeting minutes
- Use of the Council meeting facilities and conference phone lines
- Council website support for meeting materials and minutes.

Mainstem Amendment measure:

Through the biological opinions, the federal agencies have established an implementation structure for deciding on annual operation plans for fish and wildlife, in-season management of hydrosystem operations for fish and wildlife and recommendations to Congress for funding for passage improvements. At present, this decision structure is insufficient to integrate fish and power considerations in a timely, objective and effective way, and it focuses on listed fish with little consideration for unlisted anadromous and resident fish species and wildlife. The Council

continues to recommend to the federal agencies that this implementation structure, which includes the Technical Management Team and the Implementation Team, be jointly sponsored by the Council and the federal agencies. The implementation structure should allow for effective participation in these considerations by the relevant federal agencies, the Council and states, the tribes of the Columbia River Basin and other affected entities in a highly public forum. Discussions to this end began in 2001, but then were overcome by events. The Council will re-initiate the discussions to jointly sponsor these coordination teams.

The Council recommends that the forum then broaden its focus to improve in-season hydrosystem operations decisionmaking, in the following ways:

- 1) Include expertise in both biological and power system issues.*
- 2) Have the technical capability to analyze and present power supply forecasts, hydrosystem operational alternatives, and other power related issues. The Council should play a significant role in this.*
- 3) Have the technical capability to analyze differing hydrosystem operation proposals relative to impacts on salmon, steelhead, sturgeon and resident fish migration, survival, spawning, and rearing, and relative to impacts on wildlife.*
- 4) Regularly schedule meetings, as often as required, to deal with short-term, real-time decisions (e.g. weekly in-migration season), as well as middle and long-term issues (e.g. addressing longer term reliability issues in a way that removes risk to providing operations to meet requirements of salmon).*
- 5) Operate with a defined set of decisionmaking criteria and hold participants accountable for the decisions they make, according to the established criteria.*

Attachment: November, 2002 *Guidelines and Procedures* of the Columbia River Implementation Forum