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September 30, 2014

DECISION MEMORANDUM

TO: Council members

FROM: Council staff

SUBJECT: Decision to adopt the 2014 amended fish and wildlife program

PROPOSED ACTION:

Council decision to adopt the proposed final 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 March 2013. Over the last 13 months, the Council has developed the proposed final amendments to the Fish and Wildlife Program and staff recommends the Council consider adopting the program amendments in October.

This task is called for in the Council's Annual Work plan for 2014 under Objective 2 (*Promote regional fish and wildlife recovery – implement Program and adopt new Fish and Wildlife amendments*), Action B (*Develop and complete 2014 program amendments*).

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 2009 fish and wildlife program consists of the program framework and basinwide provisions adopted as the 2009 Fish and Wildlife Program, and the Subbasin Plans adopted in 2004-05.

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 five-year review of the Council's power plan. The Council began its program amendment process with a formal request in writing to the region's Indian 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 March of 2013. The Council received 48 sets of [recommendations](#) from tribes and tribal coordinating entities, federal and state agencies, state supported agencies, customers, utilities and utility organizations and environmental groups. In addition the Council received recommendations from more than 350 individuals.

The Council completed a 60-day comment period on the recommendations as required by Section 4(h) of the Northwest Power act. All of the amendment recommendations are posted on the Council's website along with the 197 sets of [comments](#) on the recommendations received by the Council during a sixty-day initial public 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 the [draft program](#) for an 80 day public comment period in May of 2014. During that time, the Council held

ten public hearings on the program amendments in Oregon, Washington, Idaho and Montana and received oral testimony from 72 individuals and entities. The Council and Council staff also had fifteen consultations with tribal and non-tribal entities around the Columbia River Basin regarding the program amendments. In addition to the hearings and consultations, the Council received 297 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 July 2014, the Council has worked to finalize the Fish and Wildlife Program amendments. The Council is scheduled for a final decision at the October 2014 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 receives 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.

Following approval of the Fish and Wildlife Program, staff will prepare legal findings on the 2014 recommendations for amendment to the Fish and Wildlife Program and will present these to the Council for adoption along with the draft amendments. This final step will conclude the Fish and Wildlife Program amendment process.

The road to an amended fish and wildlife program

Program amendment history

1982 Program

- 1984 amendments -- Interim spill

1987 Program

- 1988 Protected Areas amendments

- 1989 Wildlife loss assessments and mitigation amendments

1992-94 Program

- Four phases of a comprehensive program revision after the first ESA listings:

 - 1992 (Phase 1): High-priority actions

 - 1992-93 (Phases 2 and 3): Strategy for Salmon (anadromous fish and system provisions)

 - 1993-94 (Phase 4) : Resident fish and wildlife amendments

1994 Program (Dec 1994): Anadromous fish and systemwide amendments

- 1995 amendments: Resident fish, wildlife, and some revisions to systemwide

2000 Program -- Comprehensive revision of program

- 2003 Mainstem amendments

- 2004-05 Subbasin plan amendments

2009 Program – Consolidation of program and ESA planning from the last decade

- 2011 Subbasin plans amendments for Bitterroot and Blackfoot plans

2014 Program



- Called for recommendation Sept. '13
- Received nearly 400 sets of recommendations
 - Received 197 sets of comments on those 400 recommendations

What we felt like...





Work was accomplished in (at least):

- 14 Fish and wildlife committee work sessions
- 11+ Council work sessions
- 4 Toxic work group meetings
- 3 RM&E workgroup meetings

What our partners may have felt like...



What Council members may have felt like...



Released a draft program in May

- Held **10** hearings, **72** people commented
- Held **15** consultations with entities
- Received **297** sets of written comments
- Throughout the year we heard over **25** public comments during Council meetings



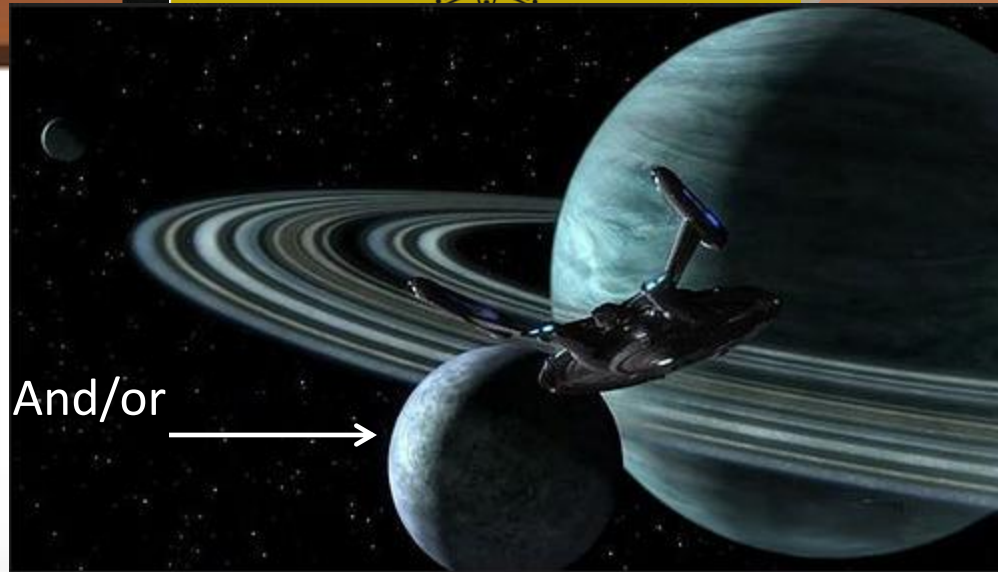
A lot of interest





Memorable moments...

Planet And/or



Andor, also known as **And/or**, is the Andorian homeworld and capital of its empire. – Star Trek.



Today's task:
Consider adoption of the
2014 Columbia River
Basin Fish and
Wildlife Program

2013-2014
Fish and Wildlife
Program
Amendments



Wait...

Not quite done!

Next step: Findings

- Develop
- Review and approve (December?)



Thanks!