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March 6, 2018

### MEMORANDUM

**TO:** Council members

**FROM:** Patty O'Toole, Program Implementation Manager; Tony Grover,  
Director- Fish and Wildlife Division

**SUBJECT:** Discussion of Fish and Wildlife Program Amendment issues and  
process

### BACKGROUND:

**Presenter:** Patty O'Toole, Tony Grover

**Summary:** The staff will update the Council on the Fish and Wildlife Program (Program) amendment draft schedule and Fish and Wildlife Committee (Committee) discussions regarding the upcoming amendment process and issues.

**Relevance:** This task is related to the amendments to the Council's 2014 Program

### 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 2014. 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 8th Power Plan.

In April the Council will receive a presentation from the Independent Scientific Advisory Board (ISAB) with the results of their review of the 2014 Program. In the past, these reviews have been important for the Council, agencies and tribes, and others to consider in the amendment process thus staff recommends that the Council initiate its Program amendment process after the April presentation, as early as May of 2018.

On February 12<sup>th</sup> the Regional Coordination Forum met in Portland and discussed the upcoming amendment process. The staff and attending Committee members heard feedback from the regional fish and wildlife managers and coordinators about important topics related to the amendment process.

The Council will request recommendations to amend the Program with a formal letter to the region. The letter will contain 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, 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 most of its measures, have not changed substantially in recent amendment cycles. Most of the focus in 2014 was on improvements in organization, a few new aspects of the Program, and its implementation and priorities.

In preparation for the amendment process, the staff and the Committee have been discussing Program progress towards goals and objectives, recent regional developments and a set of subject areas and questions that could be helpful for consideration ahead of the upcoming amendment process.

## **Background and Program context**

Under the authority of the Northwest Power Act and the associated Columbia River Basin Fish and Wildlife Program, actions 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 Program*

Thirty-five-years of program development and implementation has yielded:

- quantitative assessments of the loss of anadromous fish and wildlife attributable to the development and operation of hydropower in the basin;
- goals and objectives tied to these loss assessments intended to represent interim success at protection and mitigation;
- significant program planning over several decades to identify actions for implementation to help achieve the broader Program goals;
- protection and mitigation actions implemented at the cost of hundreds of millions of dollars annually;
- many accomplishments, including improvement in habitat for anadromous and resident fish (see [High Level Indicators](#)); maintenance of investments in hatcheries, land protection and fish protection screens (see [Program Resource Maps](#)); and progress implementing the Wildlife Strategy, with some areas nearing full mitigation (*details under review*). For example, anadromous habitat accomplishments since 2008 include:
  - 977 miles of streamside habitat have been purchased or leased for the benefit of fish;
  - 3,485 miles of habitat have been made available through instream passage improvements such as removing old water diversions and by installing fish passage structures, and
  - 5,970 miles of habitat have been improved through efforts such as rebuilding stream channels and increasing instream complexity, building fences to exclude cattle, planting vegetation, and removing noxious weeds.
- improvement in abundance for some anadromous fish populations, but overall numbers remain below Program's goal based on the hydrosystem loss, and some populations remain below the Program's goals for hydrosystem passage.

## *Recent developments*

A number of recent developments that may influence the Program and its implementation include:

- A federal court order has required the federal agencies to implement a spill operation on the four lower Snake and four lower Columbia dams
- Recent court decisions on the FCRPS Biological Opinion concluded that habitat mitigation projects continue to be too uncertain to satisfy ESA requirements, as both the projects and their predicted survival benefits are not reasonably certain to occur. Council reviews of habitat projects and habitat monitoring and evaluation methods have identified similar issues about how to quantify and assess benefits.
- The federal agencies are working on a new FCRPS Biological Opinion to evaluate the impacts of the federal hydropower system on salmon and steelhead. This will be accompanied by a NEPA assessment that aims to consider the benefits from protection and mitigation actions, what more might be gained from a set of

alternatives to those actions, and at what cost and effects? The entire process is to be completed by 2021.

- The Independent Scientific Advisory Board issued a report raising concerns about density dependence. Is there overcrowding that affects salmon survival in some subbasins and in other parts of the salmon life-cycle environment resulting from the total amount of natural and artificial production or from significantly reduced habitat availability?
- The Columbia Basin Partnership (CBP) Task Force, a special task force organized under NOAA Fisheries' Marine Fisheries Advisory Committee, will be making recommendations to NOAA on common goals for salmon and steelhead.
- The 2018-2023 Strategic Plan for the Bonneville Power Administration calls for prioritizing fish and wildlife investments based on biological effectiveness and mitigation for hydrosystem impacts; and managing fish and wildlife Program costs at or below inflation, inclusive of new obligations and commitments.

### **Next steps**

In April, the Committee will consider recommendations from the ISAB's review of the 2014 Program along with any specific guidance on important topics for inclusion in a draft letter requesting recommendations for Program amendments. Once the Committee has finished their review and editing of the draft letter, it will be recommended to the full Council for consideration.

More information:

[February 2018 memo](#) to Committee members