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July 9, 2019

DECISION MEMORANDUM

TO: Council members

FROM: Patty O'Toole
Manager, Program Performance and Development

SUBJECT: Decision to release the draft Fish and Wildlife Program amendments for a 90-day public review and comment period.

PROPOSED ACTION: Consideration of final edits and decision to release the draft Fish and Wildlife Program amendments for public comment after incorporating any changes made by the Council at today's meeting.

SIGNIFICANCE: The Council began amending its Fish and Wildlife Program in May of 2018. The Council's Fish and Wildlife Committee met for seven work sessions to review recommendations and comments and develop draft program amendments to the 2014 Fish and Wildlife Program and presented the amendments to the Council in June of 2019. The Council met on four occasions to review the recommendations, comments and amendment process details, and met three times to review and discuss the draft amendments. The decision to release the draft program amendments for public review will initiate a 90-day public review period that includes public hearings, consultations and the acceptance of written and oral comment.

BACKGROUND

Early in the amendment process, the Council recognized that this amendment cycle is an appropriate time to focus on a few key Program areas. When the Council called for recommendations, it requested that the recommending entities focus on the most significant issues about the Program or its implementation that require change. The recommendations the Council received emphasized two aspects of the Council's program: how it is implemented and how we assess and report on the effects of implementation, otherwise known as program performance. Thus, the Council determined that retaining the 2014 Fish and Wildlife Program was appropriate and utilized the recommendations and comments to develop a proposed Addendum to the 2014 Program that focuses attention on these two aspects.

At the July Council meeting, Council members will consider any final edits to the proposed Addendum to the 2014 Columbia River Basin Fish and Wildlife Program and consider releasing the draft program Addendum for a 90-day public review and comment period. The draft program Addendum was sent separately by email to Council members and staff.

ANALYSIS

The draft program Addendum consists of three main sections: an Introduction, Part I, and Part II. The introduction describes the purpose of the Addendum, how it extends the [2014 Fish and Wildlife Program](#), and how it relates to the program amendment recommendations the Council received. Also included is a description of program accomplishments and continuing challenges. Part I of the Addendum describes how the Council and others will assess the program's performance and improve program implementation using an adaptive management approach. This section includes a reorganization and elaboration of the program's goals, objectives and performance indicators as needed for this task. Part II identifies near-term priorities for implementation and funding as well as program guidance on program and project implementation.

Once the Council decides to release the program amendments, a public review and comment period will follow. Following the public comment period, the Council and staff will consider the comments received and prepare a final amended program. The Council is on target for adopting an amended program around the end of 2019 or early 2020. This schedule is consistent with the timeframes described in the Northwest Power Act.

During public review, the Council will hold formal public hearings and consultations, likely to begin in late August and continue through the month of September and into October. More information about the public review period and process will be shared with the full Council at future meetings and by email.

The legal staff is also developing a draft “findings” document that explains how the Council used the program amendment recommendations in developing the proposed program Addendum. The legal staff will send the draft findings documents to central and state staff in the week before the July meeting, and make the document available to the members around or shortly after the July meeting. This is a draft version of the “findings” document the Council typically approves at the end of the program amendment process. The final “findings” document must be approved by the Council as part of the program, and it will contain the required written findings on the program amendment recommendations as well as responses to comments the Council received on the recommendations and on the draft program amendments.

Preparing a *draft* findings document is an unusual step, to go along with the unusual approach to amending the program. Staff is *not* asking the Council to approve the draft findings document for public review and comment as part of the Council-approved draft program amendments. Instead, the staff is recommending that once the Council members have a basic comfort level with the document, they allow the legal staff to make the draft findings document available online. The goal is to post it online toward the end of July, or sooner if possible, to provide context and explanation about the addendum. The explanations in the draft findings document should help the entities that provided program amendment recommendations have a clear idea of how the Council used their recommendations to craft the Addendum, which can help them focus their comments on the draft Addendum.