

Jennifer Anders
Chair
Montana

Bo Downen
Montana

Guy Norman
Washington

Patrick Oshie
Washington



Northwest Power and Conservation Council

Richard Devlin
Vice Chair
Oregon

Ted Ferrioli
Oregon

Jim Yost
Idaho

Jeffery C. Allen
Idaho

December 3, 2019

MEMORANDUM

TO: Fish and Wildlife Committee; Council Members

FROM: Staff

SUBJECT: Discussion of proposed process and timeline for proceeding on Part I of the 2020 Program Addendum.

BACKGROUND:

Presenter: Staff

Summary: Staff is proposing a plan for engaging with fish and wildlife agencies and tribes to refine the Program goals and objectives, to advance work on strategy performance indicators and to initiate discussions on other aspects of program performance, including the purpose of the program performance effort detailed in Part I of the draft Addendum and how program performance information will be used in the future by the Council and other entities. These discussions will also include developing a post-amendment, ongoing approach for refining strategy performance indicators and moving program performance forward in a collaborative manner. The expected result of this effort will be a revised draft of Part I of the Program Addendum in the spring of 2020 that the Council can finalize after a short public comment period. The staff developed the proposed process and timeline based on extensive conversations with and input by the fish and wildlife agencies and tribes.

Relevance: The Council is currently in a Program amendment process.

Workplan: Amending the Fish and Wildlife Program is described in the Fish and Wildlife Division Workplan.

Background:

During the public comment period on the draft 2020 Addendum, the Council received comments from some of the state fish and wildlife agencies and tribes asking the Council not to adopt Part I and instead to begin a process to work together to determine the most appropriate goals, objectives, and indicators for the program. They also sought to collaborate in a policy discussion regarding how the Council and others will assess, report and use program performance information over time.

At the November Council meeting, the Council members indicated that they were amenable to extending the time for deciding on Part I of the Addendum to allow staff to work with the fish and wildlife agencies and tribes in a focused process to revise Part I. The members requested a clear workplan with set timelines and expected outcomes.

To develop a plan for proceeding, staff contacted the fish and wildlife agencies and tribes to better understand their expectations and to solicit their input on both the technical approach for revising Part I and the requested policy discussion. These conversations will continue as the effort proceeds to ensure an efficient and effective process.

At the December meeting the Council will be making a formal decision on whether to extend the time for deciding on the program amendment recommendations relevant to Part I past the original January 2020 schedule. This decision is the subject of a *separate decision memorandum* that follows this one. The Council does not need to make a formal decision on the plan for proceeding. Staff needs only informal concurrence from the Council to proceed with this plan.

Proposed Process and Timelines:

For the technical aspects of this effort, staff proposes a set of workshops, each designed to focus on specific goals, objectives and strategy performance indicators. The structure of the workshops will follow the biological organization used for developing goals in the draft 2020 Addendum: Anadromous Salmon and Steelhead, White Sturgeon, Pacific Lamprey, Resident Salmonids, Native Aquatic Focal Species, and Wildlife. All workshops will be linked to regular Council meetings or other planned Council processes and will have a webinar option to minimize travel requirements for participating managers. Staff will provide materials in advance of the workshops and will draft products between workshops as identified by the workshop participants. Depending on the complexity of the edits and changes, managers may choose to work via document exchange and conference calls in place of a workshop.

For the specific dates of each technical workshop, as well as a general schedule for completing Part I of the addendum, see the attached draft calendar. Additional follow-up workshops/webinars will be set during each individual workshop as needed. Staff will provide regular updates to the Council on the progress made and the outcomes of these workshops.

Concurrent with these technical workshops, the Council members and staff will engage in policy-level discussions to address broader policy points including how the Council

and others will use this program performance information for reporting on program progress and informing and guiding decisions. The majority of the policy conversations will be with representatives of the Columbia Basin Tribes and state fish and wildlife agencies, however the Council will also need to engage with Bonneville, other federal agencies and other interested parties. We do not yet have a schedule for the policy interactions, but initial conversations may start soon (example is an invitation to Council members to attend a CRITFC Commission meeting scheduled for December 12). We have also reached out to policy representatives of other entities. We have not received any feedback that would prevent this approach from moving forward.

Throughout the technical workshops and the broader policy discussions, staff will work to develop, and describe in a revised draft of Part I, an ongoing collaborative process to guide the program performance effort into the future, including further developing and refining strategy performance indicators. As we have emphasized in our initial conversations with the fish and wildlife agencies and tribes, our plan is to make as much progress as possible in the next six months, include those results in the program, and then continue an ongoing collaborative effort on the program performance effort following the amendment process.

With the completion of the workshops and the policy discussions, staff will develop a revised draft of Part I of the Addendum and will present the proposed edits to the Council. A public review and comment period will follow prior to final adoption by the Council.

What follows is a description of the technical workshops:

Goals and Objectives Two-day Workshop:

1st Workshop: Goals and objectives for all the Program's biological components as well as ecological, communication, assessment and coordination objectives. The purpose of this workshop will be to develop a collective vision among all fish and wildlife managers on the Program goals and objectives. The completed list of goals and objectives will be adopted into the Program.

Strategy Performance Indicator Workshops:

All of the following workshops will focus on strategy performance indicators. The purpose of these workshops is to identify and refine strategy performance indicators, including data sources and data management. Each workshop will include discussion of related ecological, communication, assessment and coordination strategy performance indicators. An approach for ongoing refinement of the strategy performance indicators will be developed during the workshops.

2nd Workshop: Anadromous salmon and steelhead strategy performance indicator workshop #1. Includes native aquatic focal species indicators as applicable.

3rd Workshop: Lamprey performance indicator workshop.

4th Workshop: Resident fish and sturgeon strategy performance indicator workshop. Includes native aquatic focal species indicators as applicable.

5th Workshop: Anadromous salmon and steelhead strategy performance indicator workshop #2.

6th Workshop: Anadromous salmon and steelhead strategy performance indicator workshop #3.

Based on the comments received on the draft 2020 Addendum, Staff is not proposing a workshop on wildlife strategy performance indicators. Wildlife objectives will be covered during the goals and objectives workshop, and staff will work with wildlife managers on strategy performance indicators as necessary.

Attachment 1

Month	Date and Technical Workshop Topic	Work Expected to be Completed	Notes
November	No scheduled workshops	<ul style="list-style-type: none"> Staff reach out to fish and wildlife managers to discuss potential process and receive feedback. Staff develop draft workplan. Staff incorporate technical comments into the draft Addendum. 	
December <i>5th: Resident fish project review webinar</i>	No scheduled workshops <i>5th: Staff provide brief update on the process at project review webinar.</i>	<ul style="list-style-type: none"> Staff provide draft workplan to committee. Staff make necessary changes to the draft workplan. Share workplan with fish and wildlife managers. 	
January <i>14th – 15th: Council meeting, Portland</i> <i>22nd – 23rd: Upper Columbia Salmon Recovery Conference</i> <i>30th: Project review proposals due</i>	<i>8th – 9th: Goals and Objectives Workshop (all day; in-person and webinar options)</i>	<ul style="list-style-type: none"> Staff incorporate edits to goals and objectives, as needed. Staff set-up follow-up goals and objectives or wildlife workshops and meetings, as needed. Staff report back to Committee/Council. 	Provide a clear agenda so that fish and wildlife managers can call in for their area of interest, if they wish.
February <i>11th – 12th: Council meeting, Portland</i>	<i>10th: Anadromous Salmon and Steelhead Workshop #1 (all day; in-person and webinar options)</i> <i>12th: Lamprey Indicators Workshop (~130-430pm; in-person and webinar options)</i>	<ul style="list-style-type: none"> Staff incorporate edits, as needed. Staff set-up follow-up workshops and meetings, as needed. Staff report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each indicator workshop.

DRAFT PART I PROCESS - TECHNICAL

Month	Date and Technical Workshop Topic	Work Expected to be Completed	Notes
March 3 rd – 5 th and 10 th – 12 th : Resident fish project review presentations 3 rd – 6 th : Oregon AFS 11 th – 13 th : ID AFS 17 th – 18 th : Council meeting, Portland	2 nd - 6 th : Resident Fish and Sturgeon Workshop (~2 hours; in-person and webinar options) <i>*Staff is working with project sponsors to schedule this alongside project review at an appropriate time.</i> 16 th : Anadromous Salmon and Steelhead Workshop #2 (all day; in-person and webinar options)	<ul style="list-style-type: none"> • Staff incorporate edits, as needed. • Staff set-up follow-up workshops and meetings, as needed. • Staff report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each indicator workshop.
April 14 th – 15 th : Council meeting, Portland 12 th – 16 th : WA/BC AFS Meeting 30 th : Resident fish project review responses due	13 th : Anadromous Salmon and Steelhead Workshop #3 (all day; in-person and webinar options)	<ul style="list-style-type: none"> • Staff incorporate edits, as needed. • Staff set-up follow-up workshops and meetings, as needed. • Staff report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each indicator workshop.
May 12 th – 13 th : Council meeting, Boise	12 th /13 th : Staff present results from the process and proposed edits to Part I to full Council. Council decision on releasing revised Part I for public comment period (~30 days).	<ul style="list-style-type: none"> • Complete proposed revisions to Part I. • Release Part I for public comment period. 	<i>Council may consider special Council meetings between scheduled Council meetings to expedite the process.</i>
June 16 th – 17 th : Council meeting, Portland		<ul style="list-style-type: none"> • At close of comment period, staff incorporate edits. 	<i>Council may consider special Council meetings between scheduled Council meetings to expedite the process.</i>
July 14 th – 15 th : Council meeting, Spokane	14 th /15 th : Staff provide final Part I of the Addendum for Council adoption.		

DRAFT PART I PROCESS - TECHNICAL

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December 3, 2019

DECISION MEMORANDUM

TO: Fish and Wildlife Committee; Council Members

FROM: John Shurts, General Counsel

SUBJECT: Decision to extend the time for final decision on the program amendment recommendations related to Part I of the draft Addendum

The Council needs to make a formal decision to extend the schedule for completing Part I of the 2020 Program Addendum past January 2020. It is our way of acknowledging that the Act calls for the Council, in Section 4(h)(9), to make a decision on program amendment recommendations within one year of the date set for receiving the recommendations. The decision the Council is making at this time is on the program amendment recommendations relevant to Part I of the draft addendum, and that decision is to take a bit more time to consider the recommendations and comments, engage further with the recommending entities, and finalize Part I later in 2020. The Council is taking this step for sound reasons consistent with the overall purposes and provisions of Section 4h and the comments from and consultations with especially the fish and wildlife agencies and Columbia Basin Tribes.

At the December meeting the staff will first discuss this with the Fish and Wildlife Committee and seek the Committee's recommendation. If that recommendation is consistent with the staff recommendation to extend, the full Council will then be asked to consider the following motion for its formal decision:

Move that the Council extend the time for making a final decision on the program amendment recommendations that relate to Part 1 of the draft Program Addendum consistent with the plan for proceeding as presented by staff and recommended by the Fish and Wildlife Committee.

Just to be clear, what the Council will be making a formal decision on is the proposal to extend the time for completing Part 1. Staff will be presenting a plan for how to proceed assuming the Council agrees to the extension. The Council does not need to make a formal decision to approve that plan. An informal assent to proceeding on that basis is all that is required.

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December 3, 2019

MEMORANDUM

TO: Council Members

FROM: Patty O'Toole; John Shurts

SUBJECT: 2020 Program Addendum: discussion of proposed revisions to Part II in light of the issues raised in the recommendations and comments on the draft

At the December meeting staff will discuss with the Council how to resolve issues raised in the comments on Part II of the draft 2020 Program Addendum, including staff proposals for revisions that may be needed to the language.

Staff is sending the draft of proposed Part II revisions to the Council members by email separate from this packet memorandum. We consider the draft proposed revisions to be a pre-decisional, non-public document.

The Council will *not* be making a decision on Part II at the December meeting. A final decision on Part II is scheduled for the January 2020 Council meeting. What we are looking for in December is Council feedback and guidance on staff's proposals for how to resolve issues or respond to suggested edits presented by the comments, proposals that also reflect consideration of the program amendment recommendations. Staff will also highlight relevant alternatives and options during the discussion. Based on what we learn, staff will return in January with a proposed revised draft of Part II for final consideration and adoption.

The remainder of this memorandum is a list of some of the key Part II issues. The staff went through these with the Council at the November meeting. These issues and other matters, including staff's suggestions for ways to resolve the issues, will also be highlighted on the draft of proposed revisions to Part II to be sent separately to the Council members.

Part II Program Implementation: Issues

[**Note:** The Council received some comments that, if accepted, would result in minor edits to sections without substantially changing the section. Examples include: various comments on the Hungry Horse and Libby operations; NOAA's comments on the Estuary section; comments on avian Predation; and a number of comments on the Sturgeon section. Staff did not highlight those here.]

Part II – Climate change:

Council received a number of comments on the Addendum's section on climate change, although few provided specifics about significant changes or additions in that provision. However, one set of comments mirrored a number of original recommendations that asked the Council to revise the Climate Change strategy in the 2014 Program language in a way that would have the Council and the region engage in substantial climate change planning.

- Should the Council edit this section to initiate a climate change planning effort?

Part II – Mitigation in Blocked Areas:

Mitigation in Lake Roosevelt/Spokane River area above Grand Coulee/Chief Joseph dams

Comments supported the current language, and some called for it to be strengthened, while others commented that a significant increase in the level of mitigation is not justified and/or concerns that the Bonneville budget should not be expanded.

- Should the Council stay the course in this sub-section or either strengthen or weaken as indicated by comments?

Anadromous fish reintroduction above Grand Coulee and Chief Joseph Dams

Specific to the topic of reintroduction in this blocked area of the upper Columbia, the Spokane Tribe in particular commented seeking explicit detail on actions and timelines; other commenters supported the draft language; some commented with concerns about the future of reintroduction but do not call for the Council to change course.

- Should the Council stay the course in this subsection or add detail as indicated by comments?

Anadromous fish mitigation above Hells Canyon Complex (not addressed in draft Addendum)

Upper Snake River Tribes in particular call for the Addendum to recognize the Upper Snake Management Plan.

- Should the Council recognize the Upper Snake Management Plan in some way in the Addendum?

Part II – Ocean:

Comments were received that show support of the Council advancing the ocean work, while others commented to reduce or remove the language, particularly with concerns that activities related ocean conditions do not have a nexus to the hydrosystem.

- Should the Council stay the course with this section?

Part II – Mainstem:

Flow and passage operations generally (not directly addressed in draft Addendum)
Spill (not addressed in draft Addendum)

- Should the Council recognize the 2019 Biological Opinion explicitly in the Addendum, including the flow and passage operations and standards? Should the Council in some way provide explicit recognition and support for flexible spill operations and further development and commit to providing technical support when needed?

Adult passage and other measures at Albeni Falls Dam (not addressed in draft Addendum)

- Should the Council include in the Addendum explicit recognition and details on Albeni Falls fish passage and habitat enhancement activities as recommended and commented by Kalispel Tribe?

Lower Snake River dam breaching (not addressed in draft Addendum)

Many commenters call for lower Snake dam breaching to be included in the Addendum and supported by the Council.

- The Council's approach for many fish and wildlife programs is that mainstem dam breaching is not our issue under the Northwest Power Act? Any reason the Council should change course?

Part II – Predator management:

Northern Pike

Support was provided overall on the Council's language on predator management. This is true for the Northern Pike provisions in particular, although Spokane Tribe calls for more responsibility to be put on federal hydrosystem and Bonneville, while other commenters (Western Montana G&T Coop) commented with concerns about calls for Bonneville funding on what is a broader issue.

- Should the Council alter the current statements in the Addendum on Bonneville responsibility and on shared responsibility for Northern Pike efforts?

Pinnipeds

Much support for pinniped predator management, although Oregon and Idaho support even stronger language and additional funding.

- Should the Council include a call for additional funds for pinniped predator management actions?

Part II – Measures (not addressed in draft Addendum):

Several comments call for the Council to use the Addendum to explicitly recognize and incorporate recent developments, including the Accord Extensions, the 2019 Biological Opinion; the revised Kootenai sturgeon recovery plan; further developments with regard to implementation of the Kalispel Accord; the Upper Snake Tribes' Fishery Management Plan; etc.

- The draft findings make clear the Council considers the actions in these documents to be part of the updated measures of the Program. But should the Council include an explicit statement in the Addendum that these measures are incorporated into the Program?

Part II – How the program is implemented:

Significant opposition from various entities on the 5% budget change triggering mechanism. Others silent; no explicit statements of support.

- Should the Council pursue the 5% threshold mechanism?

Comments on cost savings show a difference of opinion on whether savings should mostly or completely stay in the program for reinvestment or be returned to Bonneville with the intention of reducing Bonneville expenditures and rates.

- Should the Council refine cost savings and specify how the money will be used?

General comments on Part II approach and on Program and Implementation: Most of the comments on Part II were general comments about the approach or about the Program and implementation generally, in some instances tied to comments on specifics but in other instances with less explicit or specific guidance on how the Council should reflect the general comments in the program. Whether these general comments raise issues for revising Part II depends to some extent on agreement with and context for the specific program-views expressed. The general comments range across various all over the place, but can largely be grouped into four main categories:

WDFW/Montana FWP/Colville Tribes/Spokane Tribe, etc. either explicitly or more implicitly: largely supportive of the approach; got it basically right, even as seek some more specificity on details

Bonneville/PPC/Bonneville customers: hydrosystem nexus; rigorous scrutiny of effectiveness; prioritization; and especially, no additional money and no new investments/anything that is new priority has to be paid for by reductions in existing work

CRITFC Tribes: Part II is confusing and wrong by ignoring the bulk of the anadromous portion of the program and the continuing needs of Columbia and Snake and by ignoring the Accord Extensions and 2019 Biological Opinion and etc., emphasizing only the needs in the upper Columbia as well as concerns below Bonneville and with peripheral aspects of the program

Save Our Wild Salmon and other environmental/fishing groups: Program is weak and out of touch with needs and reality of salmon/orca crisis

Program Addendum Part I Extension: Proposed Process and Timeline

Fish and Wildlife Committee
December 10, 2019
Portland, Oregon

Background

Part I: Program Performance

- Program Performance efforts began with 2009 Program and further developed in 2014 Program
- 2019 Addendum work based on current Amendment Recommendations
- Includes:
 - Program Goals and Objectives
 - Strategy Performance Indicators
 - Assessing, Monitoring and Reporting

General Comments on Part I:

- Delay adopting Part I and develop a collaborative process to refine goals, objectives and indicators
- Address the full suite of goals and objectives in the 2014 Program
- Identify mechanisms for gathering, assessing and reporting data
- Describe how the information will be used

Committee Direction

- Consider extending Part I of the Addendum for approximately 6 months
- Develop a clear process and timeline for working with fish and wildlife managers to refine goals, objectives and indicators
- Engage fish and wildlife managers in developing the process and move forward as quickly as possible

Workplan for Proceeding with Part I

- Discuss process ideas with fish and wildlife managers
- Incorporate specific technical edits into the draft Part I of the Addendum – share with managers prior to first workshop
- Engage in policy-level discussions to address how the Council will assess, report and use the information (Patty and John will discuss)

Workplan:

Technical Components of Part I

- Address goals and objectives for all components of the Program in a 2-day workshop (Jan)
- Address strategy performance indicators for specific biological components of the Program during a series of workshops
 - Salmon and Steelhead (3 - Feb, Mar and Apr)
 - Lamprey (Feb)
 - Resident Fish (Mar; associated with project review)
 - Sturgeon (Mar; associated with project review)
 - Wildlife as needed

Workplan:

Technical Components of Part I

- Provide in-person/webinar options for workshops
- Support document exchange and conference calls as alternative methods for developing and refining strategy performance indicators
- Hold additional workshops as needed
- Identify a post-addendum ongoing collaborative process for further developing and refining strategy performance indicators

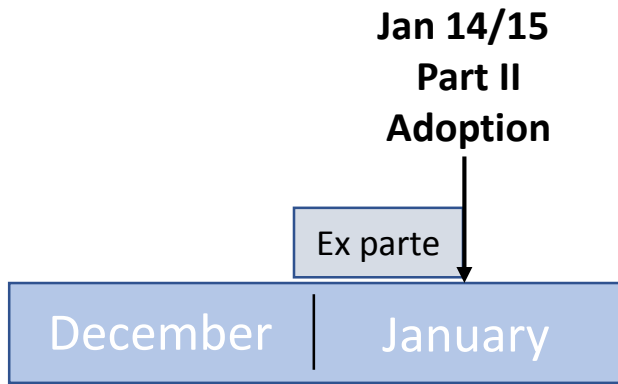
Workplan for Proceeding with Part I

- Report to Committee/Council (monthly)
- Revise Part I and release for public comment (May)
- Review comments and revise document (June)
- Adopt Part I (July)

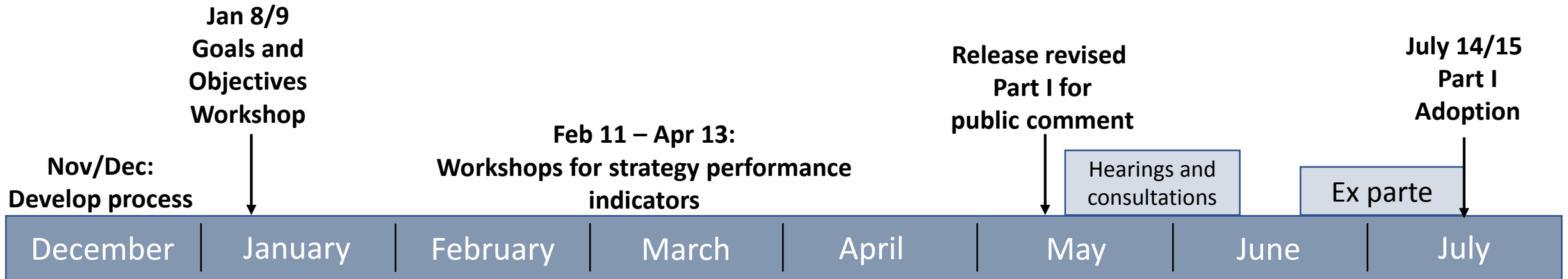
Month <i>(other scheduled meetings)</i>	Date and Technical Workshop Topic	Work Expected to be Completed	Notes
November	No scheduled workshops	<ul style="list-style-type: none"> • Staff discussions with fish and wildlife managers. • Develop draft workplan. • Incorporate technical comments into draft Addendum. 	
December <i>5th Resident fish project review webinar</i>	<p>No scheduled workshops</p> <p>5th: Staff provide brief update on the process at project review webinar.</p>	<ul style="list-style-type: none"> • Draft workplan to committee. • Changes to the draft workplan as needed. • Share workplan with fish and wildlife managers. 	

Month (other scheduled meetings)	Date and Technical Workshop Topic	Work Expected to be Completed	Notes
January 14 th – 15 th : Council meeting, Portland 22 nd – 23 rd : Upper Columbia Salmon Recovery Conference	8 th – 9 th : Goals and Objectives Workshop (all day; in-person and webinar options)	<ul style="list-style-type: none"> • Incorporate edits to goals and objectives. • Set-up follow-up workshops, as needed. • Report back to Committee/Council. 	Provide a clear agenda so that fish and wildlife managers can call in for their area of interest, if they wish.
February 11 th – 12 th : Council meeting, Portland	10 th : Anadromous Salmon and Steelhead Indicators Workshop #1 12 th : Lamprey Indicators Workshop (~130-430pm)	<ul style="list-style-type: none"> • Incorporate edits. • Set-up follow-up workshops as needed. • Report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each workshop.
March 3 rd – 5 th and 10 th – 12 th : Resident fish project review presentations 3 rd – 6 th : Oregon AFS 11 th – 13 th : ID AFS 17 th – 18 th : Council meeting, Portland	2 nd - 6 th TBD: Resident Fish and Sturgeon Indicators Workshop (~2 – 3 hrs) 16 th : Anadromous Salmon and Steelhead Indicator Workshop #2 (all day)	<ul style="list-style-type: none"> • Incorporate edits. • Set-up follow-up workshops, as needed. • Report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each workshop.
April 14 th – 15 th : Council meeting, Portland 12 th – 16 th : WA/BC AFS 30 th : Resident fish project review responses due	13 th : Anadromous Salmon and Steelhead Indicator Workshop #3 (all day)	<ul style="list-style-type: none"> • Incorporate edits. • Set-up follow-up workshops, as needed. • Report back to Committee/Council. 	Review native aquatic focal species and ecological/communication indicators at each workshop.

Month <i>(other scheduled meetings)</i>	Date and Technical Workshop Topic	Work Expected to be Completed	Notes
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June <i>16th – 17th: Council meeting, Portland</i>		<ul style="list-style-type: none"> • At close of comment period, staff incorporate edits. 	<i>Council may consider special Council meetings between scheduled Council meetings to expedite the process.</i>
July <i>14th – 15th: Council meeting, Spokane</i>	14 th – 15 th : Staff provide final Part I of the Addendum for Council adoption.		



Adoption Process for Part II of 2020 Addendum



Adoption Process for Part I of 2020 Addendum

Schedule changes for the amendment process

Part I of the 2020 Addendum

- *Jan 8/9:* Goals and Objectives Workshop
- *Feb – April:* Several strategy performance indicator workshops
- *Mid-may:* Release revised draft of Part I for public comment
 - Includes public hearings and consultations
- *June 23:* Council enters ex parte period on Part I

Part II of the 2020 Addendum

- *December 31:* Council enters ex parte period on Part II
- *January 14/15:* Council adopts Part II