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January 7, 2020

DECISION MEMORANDUM

TO: Council Members

FROM: Patty O'Toole

SUBJECT: Review and Decision on Part II of the proposed 2020 Addendum to the Council's Fish and Wildlife Program

PROPOSED ACTION: Consider adoption of Part II of the proposed Addendum to the Council's Fish and Wildlife Program

SIGNIFICANCE: The Council has been in an amendment process over the last year and a half having called for recommendations to amend the Program in May of 2018. The Council released draft amendments in July of 2019 and collected and considered the comments on the draft. The agenda for the January Council meeting includes a final review of and then decision on adopting Part II of the proposed 2020 Addendum to the Council's 2014 Columbia River Basin Fish and Wildlife Program.

BACKGROUND

Staff will send to the members by separate email a clean version of the proposed final version of Part II, on Program Implementation. The Council members already have a redline version showing all the proposed changes from the draft of Part II. The documents are pre-decisional and confidential. After the Council decision on the final text of Part II, staff will produce a publicly accessible version.

Council decisions to adopt amendments to the fish and wildlife program must follow the voting rules for such decisions set out in Section 4(c)(2) of the Northwest Power Act (Act). That is, the decision must be made either by "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 by "at least six members of the Council." We will take a roll call vote of the members to be sure any decision satisfies the statutory requirements.

A reminder that the decision to approve Part II of the proposed 2020 Addendum is not the end of the Council's Fish and Wildlife Program decisions, not even for Part II. The

Act also requires the members to approve “as part of the program” written findings explaining the basis for any Council decision not to include a program amendment recommendation in the program. The Council uses this findings document to provide a comprehensive explanation as to how the Council decided on the program amendments considering all the original program amendment recommendations and subsequent comments in the administrative record. Thus, staff will prepare a set of written findings and responses to comments explaining how and why the Council made program decisions on the program amendment recommendations relevant to Part II, including those recommendations the Council decided not to incorporate at all. Staff anticipates review and approval of this document at the February Council meeting.

Also, the Council has not finished the program amendment process because the Council extended the time for deciding on Part I of the proposed 2020 Addendum, in order to have further collaboration with the regions state and federal fish and wildlife agencies and tribes and others. A description of the workplan for completing Part I can be found in the [briefing materials](#) for the December Council meeting.