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September 6, 2017

MEMORANDUM

TO: Council Members

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

SUBJECT: Next Fish and Wildlife Program amendment process

BACKGROUND:

Presenter: Staff

Summary: Staff will review options for how to approach the next Fish and Wildlife Program amendment process and seek Council member input.

Relevance: Amending the Fish and Wildlife Program involves a discrete set of tasks that will involve considerable work and attention from the staff, the Council and the Council's many partners in the region.

Background: The Council last amended the Columbia River Basin Fish and Wildlife Program in 2014. There have been 18 amended Programs since the Northwest Power Act was enacted in 1980. The Act describes the discrete steps and standards that the Council must use to amend the Program. The staff anticipates that the Council will initiate steps to amend its Fish and Wildlife Program in 2018. One early step is for the Council to request the ISAB initiate its review of the 2014 Program. A *separate* decision memo addresses this task.

General approach

Another timely task is for the Council to consider what approach to take for the upcoming amendment process. The staff has considered recent amendments and

observed that much of the current Program has been upheld in recent amendment processes and most of the change has occurred in a few distinct Program areas. At this point the staff thinks a useful option to the typical amendment process is to focus the next amendment on a handful of Program issues that are critical now and for the next five years, rather than to amend and rewrite the detailed text of the 2014 program.

The staff suggests that Council could leave the text of the 2014 Program as it is and instead work internally and with others in the region to define the set of key issues and areas of implementation that need focused attention.

- The outcome would be consistent with recent amendments. It would uphold the core Program framework, strategies and measures while highlighting key Program areas and implementation.
- The result would be an amendment to the existing Program through an *addendum & action plan* for the next five years.
- It should be noted that this would not necessarily make the amendment process faster or easier, just more focused on critical areas of the Program.

How would this work?

The Council would let people know that we are not planning to amend the text of the 2014 Fish and Wildlife Program (including the subbasin plans). Instead, the Council would develop and adopt an *addendum and action plan* that is focused on key issues about the Program and its implementation. For this option the Council would still call for recommendations, but in a way that suggest entities address a set of issues related to things that need to be changed or shaped in a new way.

The Program Addendum could accomplish two things: 1) update Program language where needed (could include revising/refining/sharpening/adding/subtracting provisions in the Program; and 2) an Action Plan which would include a revised investment strategy. This would describe the Council's priorities and expectation for Program development and implementation over the next five years. The addendum would include text that describes its purpose, its relationship to the 2014 Program, and the status of 2014 Program. If the Council receives recommendations about other issues or topics we will need to address them and would do so as part of any decisions the Council makes to adopt the Program addendum.

The Program areas that would benefit from focused attention need to be developed and discussed but could include: addressing specific areas of mitigation (wildlife, resident, anadromous fish) and identifying progress and gaps; improving Program accountability; addressing mitigation in an altered ecosystem with many habitat threats (for example: predation, non-native species, contaminants, warming temperatures, demographics, land use/ownership, etc.).

Alternatively, the Council could embark on a more comprehensive approach to amending the Program, such as was undertaken for the 2014 amendment process. This would involve full consideration and amendment of the 2014 Program text.