

AMENDMENT RECOMMENDATIONS TO THE NWPCCC PERTAINING TO THE FPC and FPCOB

Columbia Basin Fish and Wildlife Authority

Amendment 2.1.5.4 Fish Passage Center

Include the following language in the Program:

Retain the existing Fish Passage Center language (2003 Mainstem Amendment, pages 27-28) in the Program with the following exceptions:

- Remove the reference to dual management/supervisory authority over the fish passage manager.
- Remove the reference to CBFWA providing a liaison position between the public and the Center.
- Remove the last paragraph that makes reference to a technical advisory committee.
- Add the following language to the Program: Bonneville will fund a position within the Fish Passage Center whose expertise can support storage reservoir operations analyses and identify in-season resident fish impacts of the FCRPS.
- Replace the language describing the Fish Passage Center Oversight Board (FPCOB) with the following to clarify its role:

“The Council has established an oversight board for the Center, with representation from NOAA Fisheries, state fish and wildlife agencies, tribes, the Council, and others to provide policy guidance for the Center. ~~And to ensure that the Center carries out its functions in a way that assures regional accountability and compatibility with the regional data management system. The oversight board’s responsibilities will include conducting~~ ~~conduct~~ ~~an~~ the annual review of the performance of the Center and ~~developing~~ develop a goal-oriented plan for ~~next year’s~~ the Center’s operation to ensure that the Center carries out its functions in a way that assures regional accountability and compatibility with the regional data management system. The Center shall prepare an annual report to the oversight board and the Council, summarizing its activities and accomplishments. There will be no other oversight board or board of directors for the Center.”

Kootenai Tribe of Idaho and Montana Fish, Wildlife & Parks

2.6 Fish Passage Center

Amend current language in the Program as follows:

- Provide for supervision of the FPC manager to the entity having contracting authority from BPA (currently PSFMC) including the authority and obligation to conduct an annual performance review.
- Provide for continuing oversight of the FPC program and its functions, including the right and obligation to conduct an annual review of the program to the FPCOB.

- Direct the FPC to consult with resident fish managers who have knowledge and expertise on reservoir operations and resident fish requirements.

Northwest River Partners

The same logic applies to language in the current Program addressing the Fish Passage Center (FPC). The important point for the Program is not what specific entity is responsible for smolt monitoring, data collection or other activities. Rather the point is there are certain critical monitoring and research **functions** that need to be undertaken by appropriate entities within the region. Specific references to the FPC therefore need to be removed from the Program.

The power industry/customers (PPC, PNGC, PNUCC, and Northwest River Partners) in general noted the Program should provide guiding principles and avoid prescriptive details.

Northwest Sportfishing Industry Association

2. Fish Passage Center

The Fish Passage Center has been a valuable resource available to the members of NSIA as well as being a source of important information for the general public and fish management community. We are well aware of the so called controversy and upon examination of the allegations directed against this project we find little merit in changing the administration and management of the FPC. We recommend that you consider enhancing the regionally valuable science role of the FPC to include monitoring Steelhead in the smolt monitoring program. This is a significant lack of information that is badly needed and we are deeply troubled that it has not been included before this time. We also strongly recommend that the funding level for the FPC be adequate for the mission it is created to accomplish. We have observed the classical diminution of its funding that appears to be in response to the allegations made by the power industry against the performance of the FPC. Although the FPC has gotten high marks for its work performance by all of the audits done as directed by the Council, the funding has been slowly eroded to the point of damaging the performance of the Center. It is time to move ahead and support the Fish Passage center, and the sorely needed functions it provides to fishery managers and the region, so that its productivity is not jeopardized in the future. We also recommend that some form of mediation or conflict resolution be used to get at the root causes of the controversy and remedial action is promptly taken to silence the unsubstantiated criticism.

Oregon Department of Fish and Wildlife/State of Oregon

ODFW/State of Oregon recommendations/markup of Mainstem Amendments are consistent with Columbia Basin Fish and Wildlife authority recommendations above. ODFW/State of Oregon also included the FPC in its list of recommended priority basinwide fish and wildlife management actions to be funded by the Bonneville Power Administration in Oregon Columbia and Snake river subbasins.

Pacific States Marine Fisheries Commission

The existing regional-scale data management projects should be formally recognized in the monitoring section of the FWP for the purpose of compiling and disseminating consolidated data of specific types for each project. These projects should include, at a minimum, the Fish Passage Center, Integrated Biological Information System, Pacific Northwest Water Quality Data Exchange, PIT Tag Information System, Regional Mark Processing Center, and StreamNet.

Shoshone-Bannock Tribes

Continue funding the operation of the Fish Passage Center to provide technical assistance and information to the fish and wildlife agencies and tribes in particular, and the public in general, on matters related to juvenile and adult salmon and steelhead passage through the main stem hydro system. This information relates to the implementation of the water management and fish passage measures in the Councils fish and wildlife Program, the NOAA Fisheries Biological Opinions and other regional fish passage operational and implementation plans. In performing this function the Fish Passage Center shall:

Plan and implement the annual Smolt Monitoring Program, Comparative Survival Study consistent with the regional RME plan.

Gather, Organize, analyze, house and make widely available monitoring and research information related to juvenile and adult passage and to the implementation of the water management and passage measures that are part of the Council's program and regional operations plans.

Provide technical information necessary to assist the agencies and tribes in formulating in-season flow and spill requests that implement the water management and fish passage measures in the Councils program, the NOAA fisheries biological opinions and or other regional operations plans.

In general provide the technical assistance necessary to coordinate recommendations for storage reservoir and river operations that to the extent possible avoid potential conflicts between anadromous and resident fish.

Yakama Nation

The Yakama Nation submitted the recently signed MOA between the Action Agencies and three lower Columbia River tribes to be incorporated into the Council's program. The following language was included in that agreement:

“The Parties agree that monitoring and verification functions are currently provided via funding for the Fish Passage Center. BPA will continue funding the Fish Passage Center with funds for a manager and for technical and clerical support in order to perform the functions of the Center as stated in the Council's 2003 Mainstem Amendment, for the duration of this MOA unless the Parties agree on an alternative. If the Council changes the Fish Passage Center responsibilities in Program amendments, BPA would consult with the Tribes in advance about what changes BPA would propose, if any, in response to ensure BPA's continued funding is done in a manner consistent with the terms of this Agreement, the Program and Ninth Circuit case law. If a change in Center functions impacts the Tribes' ability to monitor and verify performance of the FCRPS BiOp or this Agreement, BPA would provide funding to the Tribes or an agreed-upon alternative to continue this work.”

Current Fish Passage Center and Oversight Board provisions in the Council's Fish and Wildlife Program

The mainstem plan calls for the continued operation of the Fish Passage Center (Center). The primary purpose of the Center is to provide technical assistance and information to fish and wildlife agencies and tribes in particular, and the public in general, on matters related to juvenile and adult salmon and steelhead passage through the mainstem hydrosystem. This information relates to the implementation of the water management measures in the Council's fish and wildlife program. In performing this function, the Center shall:

- 1) Plan and implement the annual smolt monitoring program;
- 2) Gather, organize, analyze, house, and make widely available monitoring and research information related to juvenile and adult passage, and to the implementation of the water management and passage measures that are part of the Council's program;
- 3) Provide technical information necessary to assist the agencies and tribes in formulating in-season flow and spill requests that implement the water management measures in the Council's program, while also assisting the agencies and tribes in making sure that operating criteria for storage reservoirs are satisfied; and
- 4) In general, provide the technical assistance necessary to coordinate recommendations for storage reservoir and river operations that, to the extent possible, avoid potential conflicts between anadromous and resident fish.

The Council has established an oversight board for the Center, with representation from NOAA Fisheries, state fish and wildlife agencies, tribes, the Council, and others to provide policy guidance for the Center and to ensure that the Center carries out its functions in a way that assures regional accountability and compatibility with the regional data management system. The oversight board's responsibilities will include conducting an annual review of the performance of the Center and developing a goal-oriented plan for next year's operation. The Center shall prepare an annual report to the oversight board and the Council, summarizing its activities and accomplishments. There will be no other oversight board or board of directors for the Center.

Operation of the Center shall include funds for a manager and for technical and clerical support in order to perform its stated functions. The fish passage manager will be selected based on his or her knowledge of the multiple purposes of the regional hydropower system, and of the water needs of fish and wildlife, as well as the ability to communicate and work with fish and wildlife agencies, tribes, the Council, project operators, regulators, and other interested parties, including members of the public. The fish passage manager will be selected by, and be subordinate to, the Executive Director of the Columbia Basin Fish and Wildlife Authority (Authority), in consultation with the oversight board. The Executive Director of the Authority and the Chair of the Council (or the Chair's designee) will conduct an annual review of the manager's performance.

The Center shall continue to provide an empirical database of fish passage information for use by the region, not just by fish and wildlife managers. No information collected by the Center, and no analyses by the Center, shall be considered proprietary. The oversight board and the fish and wildlife managers will ensure that the database conforms to appropriate standards for data management, including review of the database by an appropriate scientific or data review group. The fish and wildlife managers will provide a liaison position at the Authority between the public and the Center to ensure that all parties have timely and thorough access to the database. The Council may revise the functions of the Center as the region develops a comprehensive data management system.

To assist the oversight board, the Executive Director of the Columbia Basin Fish and Wildlife Authority, in consultation with the fish and wildlife managers, will propose to the oversight board candidates for a technical advisory committee, whose purpose will be to establish technical protocols and scientific requirements for the Center and to review the scientific and technical aspects of the performance of the Center. The oversight board will select the technical advisory committee from the names submitted by the Executive Director of the Authority. The technical advisory committee will report to the oversight board.