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May 1, 2018

MEMORANDUM

TO: Fish and Wildlife Committee Members

FROM: Patty O'Toole and Tony Grover

SUBJECT: Fish and Wildlife Program Amendment – Committee recommendation of draft amendment announcement and call for recommendations

BACKGROUND:

Presenter: Patty O'Toole and Tony Grover, fish and wildlife division staff

Summary: Staff will present the latest draft of the announcement requesting recommendations to amend the 2014 Fish and Wildlife Program and seek a recommendation for the full Council

Relevance: This topic is relevant to the upcoming Fish and Wildlife Program amendment process.

Background:

Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act), Congress charged the Council with developing and periodically amending a fish and wildlife program for the Columbia River Basin to protect, mitigate, and enhance fish and wildlife affected by the development and operation of hydroelectric facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. The Council's current Columbia River Basin Fish and Wildlife Program was last amended in 2014.

Consistent with the Northwest Power Act, the Council will need to complete an amendment of its Fish and Wildlife Program prior to the review and revision of the 7th

Power Plan. Staff shared a rough timeframe with the Council at the March Council meeting. Based on that timeframe, the Council is planning to initiate the Fish and Wildlife Program amendment process in May of 2018 to provide adequate time for a new program to be adopted prior to the review of the next Power Plan. Please see the attached draft schedule for reference.

The amendment process formally begins with a letter from the Council to the region requesting submission of recommendations to amend the program. In recent months the Fish and Wildlife Committee has been discussing the content of the recommendations request letter and will be finalize the current draft at the May Fish and Wildlife Committee meeting. The current draft is based on feedback from the Fish and Wildlife Committee members, staff and discussion at the Regional Coordination Forum meeting in March.

The current draft of the letter will be circulated to members in the May Council meeting packet. Any changes to the draft resulting from the May 8th Committee discussion will be shared with the Council at the Council meeting on May 9th. At the May Council meeting staff will request a formal decision by the Council to approve the letter requesting recommendations to amend the 2014 Columbia River Fish and Wildlife Program.

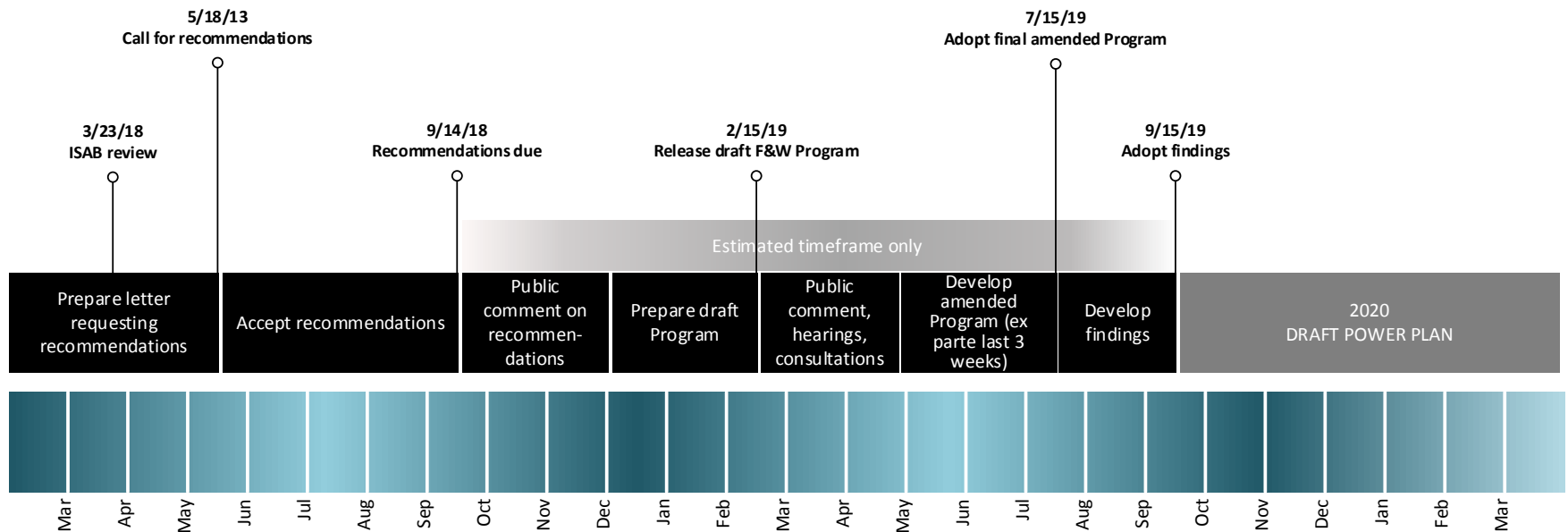
Enclosures:

Draft timeline

Request for Recommendations with Attachment 1 (Further information)

2018 | Amendment
2019 | Process

DRAFT TIMELINE



Request for Recommendations to Amend the 2014 Columbia River Basin Fish and Wildlife Program

May XX, 2018
Council Document No: 2018-XX

To federal and state fish and wildlife agencies, tribes, and other interested parties:

The Northwest Power and Conservation Council (Council) seeks recommendations to amend the region's [Columbia River Basin Fish and Wildlife Program](#) (Program). This letter and its attachment describes the expectations, requirements, and schedule for the amendment process.

Please submit your recommendations online at www.nwcouncil.org/amend where you can either fill out the online form with your recommendations or attach your recommendations in a separate file. The deadline for submission is **5:00 p.m. Pacific time on September XX, 2018**. All recommendations will be made available for public review and comment. This letter, associated materials, news, and updates regarding the amendment process will be posted at www.nwcouncil.org/amend.

Legal Background and Requirements for Recommendations

Under the 1980 Pacific Northwest Electric Power Planning and Conservation Act ([Act](#)), Congress charged the Council with developing and periodically amending a fish and wildlife Program for the Columbia River Basin to protect, mitigate, and enhance fish and wildlife affected by the development and operation of hydroelectric facilities, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. The Council adopted the current version of the Program in 2014, which consists of the Program framework; basinwide objectives and strategies; provisions relevant to the mainstem, estuary, ocean, and subbasins; and implementation guidelines. Also part of the Program are the 58 [subbasin plans](#) for tributaries and mainstem reaches adopted in 2004-05 and 2010-11.

The Act requires the Council to call for recommendations to amend the Program at least every five years prior to its review of the [Northwest Power Plan](#). The Council must begin a Program amendment process with a formal request in writing to the region's Indian tribes and state and federal fish and wildlife agencies for recommendations for:

- “measures which can be expected to be implemented by the [Bonneville] Administrator, using authorities under this Act and other laws, and other federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project on the Columbia River;
- establishing objectives for the development and operation of such projects on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and

- fish and wildlife management coordination and research and development (including funding) which, among other things, will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams.”

The Act also allows recommendations to be submitted by federal and state water management agencies, regional electric power producing agencies and customers, and the public.

Once the Council calls for recommendations, it must allow a minimum of 90 days to receive recommendations. The Council is currently providing 120 days for interested parties to submit recommendations. Those submitting recommendations may propose amendments to any part of the Council's Fish and Wildlife Program. All recommendations must be accompanied by detailed information and data in support of the recommendations. Under procedures and standards specified in the Act, the Council must act on the recommendations and amend the Program within one year of the date set for submittal, which in this case is September XX, 2018. The Council must allow for extensive public review, public comment, and consultations on both the recommendations and the draft Program.

After the Council adopts its Fish and Wildlife Program, the Bonneville Power Administration is obligated under the Act to fund fish and wildlife recovery efforts *“in a manner consistent with”* the Council's Program. All federal agencies operating or regulating Columbia River hydroelectric facilities have a separate obligation under the Act to take into account the Council's Program *“to the fullest extent practicable”* when exercising their authorities.

The Council's Fish and Wildlife Program will subsequently become part of the Council's regional Northwest Power Plan. Bonneville has a separate obligation under the Act to acquire sufficient resources consistent with the Council's Power Plan not only to meet electricity load demands, but also to assist in meeting the fish and wildlife protection and mitigation requirements in the Council's Fish and Wildlife Program.

As the region develops recommendations, the Council suggests consideration of the information in Attachment 1: Program background and current status; important recent regional developments; and a set of questions based on this information. The Council suggests that the amendment process could be used to focus and make progress on a few key issues rather than revise all of the Program elements.

The Independent Scientific Advisory Board (ISAB), per the Council's request, recently completed a review of the 2014 Columbia River Basin Fish and Wildlife Program ([ISAB 2018-3](#)). The ISAB's review includes answers to seven questions posed by the Council, as well as discussion of strengths and weaknesses in the current Program, and suggestions for changes to the Program. The Council invites the region to consider the ISAB's review when developing recommendations for the 2018 Program amendment process.

Sincerely,

Chair Signature

Attachment 1: Further Information

Program Background

Under the authority of the Act and the associated Fish and Wildlife Program, actions are funded and implemented to protect, mitigate, and enhance fish and wildlife adversely affected by the development and operation of the Columbia River hydrosystem. These actions include both “on-site” and “off-site” actions. Improved water management, passage improvements, and spill are examples of on-site efforts to improve the survival of anadromous fish through the mainstem hydrosystem. Improving the habitat of anadromous fish in tributaries, the estuary, and mainstem, or producing fish in hatcheries, are examples of off-site enhancement actions that compensate for the remaining impacts not addressed on-site.

Thirty-six years of Program development and implementation has yielded:

- quantitative assessments of the loss of anadromous fish and wildlife attributable to the development and operation of hydropower in the basin
- interim goals and objectives tied to the anadromous fish and wildlife loss assessments
- extensive protection and mitigation actions implemented annually
- many accomplishments, including improved habitat for anadromous and resident fish (see [High Level Indicators](#)); maintenance of investments in hatcheries, land protection, and fish screens (see [Program Resource Maps](#)); and progress implementing the Wildlife Strategy, with some areas nearing full mitigation for wildlife impacts
- increased abundance for some anadromous fish populations, but overall population abundance remains below the Program’s goal and some populations remain below goals for hydrosystem passage

Recent regional developments

There are a number of recent regional developments that will be influenced by or may influence the region’s Columbia River Basin Fish and Wildlife Program and its implementation in the near future:

- The 2018-2023 Strategic Plan for the Bonneville Power Administration calls for prioritizing fish and wildlife investments based on biological effectiveness and mitigation for hydrosystem impacts, and managing fish and wildlife Program costs at or below inflation.
- A federal court order has required the federal agencies to implement a spill operation on the four lower Snake and four lower Columbia dams.
- Recent court decisions on the FCRPS Biological Opinion concluded that there remains uncertainties in achieving the expected level of habitat survival benefits from habitat mitigation. Council reviews of habitat projects and habitat monitoring and evaluation methods have identified similar Program issues about how to quantify and assess benefits.

- Over the next four years the Columbia River System Operations NEPA review and eventual Environmental Impact Statement will be defining and evaluating a range of alternatives for how the federal river management agencies will meet their statutory responsibilities, including those under the Northwest Power Act and to the Council's Program.
- The Independent Scientific Advisory Board issued a report raising concerns about density dependence for salmon populations in the Basin.
- The Columbia Basin Partnership (CBP) Task Force, a special task force organized under NOAA Fisheries' Marine Fisheries Advisory Committee, plans to make recommendations to NOAA on common goals for salmon and steelhead.

Cross-cutting Program questions:

- Should the Council adopt an action plan to identify the priority actions that need implementation in the next five years?
- Are there changes that should be made in the Program strategies and measures to ensure that past, current and future mitigation investments addressing hydrosystem impacts perform as intended over-time in the face of existing and future threats such as from non-native species and climate change?
- Are there areas of the Program that should be considered a Program priority but are not being implemented or are underrepresented? Are there areas of the Program that are no longer effective and should be revised or eliminated?
- The Columbia River System Operations NEPA review and Environmental Impact Statement will be defining and evaluating a range of alternatives for how the federal river management agencies will meet their statutory responsibilities, including those under the Northwest Power Act and to the Council's Program. Are there ways in which the Council should amend the Program's measures or its implementation to better relate to or influence that review or the implementation of the Program after the completion of the EIS?

On-site mitigation questions

- Are there additions or changes needed for mainstem water management, reservoir management, and passage operations to better meet Program survival goals?

Off-site mitigation questions

- Can we improve our habitat strategies and measures to better meet Program goals and how can we better evaluate and document the collective benefit of off-site habitat actions? What potential is there for additional habitat capacity in both currently accessible areas as well as non-accessible (blocked) areas? What key actions should be taken to realize this increased capacity?
- How should we consider the effects of density dependence on our ability to achieve our abundance and production goals?
- What wildlife mitigation for construction and inundation losses remain and what wildlife issues or implementation measures should be addressed in the next Program?
- How well are hatcheries contributing to Program goals and do we need to improve monitoring to track their performance over time?