



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin.

The Authority is comprised of the following tribes and fish and wildlife agencies:

Burns Paiute Tribe

Coeur d'Alene Tribe

Confederated Salish and Kootenai Tribes of the Flathead Reservation

Confederated Tribes of the Colville Reservation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Idaho Department of Fish and Game

Kootenai Tribe of Idaho

Montana Fish, Wildlife and Parks

National Marine Fisheries Service

Nez Perce Tribe

Oregon Department of Fish and Wildlife

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

Washington Department of Fish and Wildlife

Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Upper Columbia United Tribes

Compact of the Upper Snake River Tribes

October 2, 2008

Mr. Bill Booth, Chairman
Northwest Power and Conservation Council
851 SW 6th Avenue, Suite 1100
Portland, OR 97204-1348

Mr. Greg Delwiche, Vice President
Environment Fish and Wildlife
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97208-3621

Dear Messrs. Booth and Delwiche:

The fish and wildlife agencies and Tribes of the Columbia Basin Fish and Wildlife Authority (CBFWA) appreciated the opportunity to consult with you on September 26, 2008, to discuss comprehensive long-term work plans and their relation to the draft 2008 Fish and Wildlife Program.

As summarized at the end of the meeting here are the items agreed to:

- Bill Booth and Tony Grover were in concurrence with regard to Northwest Power and Conservation Council (Council) staff, CBFWA staff, and CBFWA agencies and Tribes staff meeting to review the CBFWA analysis of the draft Program to reach a mutual understanding and clarification of what is/is not in the Council draft Program. CBFWA staff will follow-up with Council staff to meet and review the analysis as early as Thursday, October 2nd with the intent that the CBFWA/Council staffs' assessment be complete in ample time to allow for CBFWA Members to formulate their comments on the draft Program.
- CBFWA Members will provide a definition in writing of the elements of a long term work plan.
- CBFWA Members' agencies and Tribes will decide and communicate if they want the Council to interact individually with the agencies and Tribes or collectively as CBFWA Members.

Please ensure this summary adequately and appropriately captures the agreements and send any edits or clarifications as soon as possible.

The WebEx audio recording of the meeting is available at <https://cbfwa.webex.com/cbfwa/lsr.php?AT=pb&SP=MC&rID=24055497&rKey=4A7F908FFE6CBADB>.

Consistent with commitments made at the meeting the Members of CBFWA took the following three actions at their October 1, 2008 meeting:

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- Directed CBFWA staff with available agency and Tribal staff to meet with your staff and verify the attached assessment of the current draft Fish and Wildlife Program.
- Directed the Members Advisory Group (MAG) to develop, for Member approval on October 15, 2008, a definition of the elements for long-term work plans for the 2008 Fish and Wildlife Program.
- Directed the MAG to develop, for Member approval on October 15, 2008, options for the agencies and Tribes to consider for engaging with the Council and Bonneville Power Administration (BPA) in the development of long-term work plans, either individually or collectively through membership organizations.

Additionally, the Members directed the MAG to bring to the Members for consideration on October 15, 2008, recommendations for comments on the draft Program based on the above items. Finally, to fully consider the draft program and provide meaningful comment and allow for final policy level consideration of comments, the Members request that you extend the comment period for thirty (30) days.

We appreciate your willingness to work with us through this very important process to develop a sound Fish and Wildlife Program that is measureable and ensures accountability. If you have questions regarding this meeting summary, our request for extending the public comment period, or any other issue, please contact me at lpeterman@mt.gov or 406/444-9817, or Brian Lipscomb at brian.lipscomb@cbfwa.org or 503/229-0191.

Sincerely,



Larry Peterman, Chairman
Columbia Basin Fish & Wildlife Authority

Attachment: CBFWA Staff Initial Assessment of the Draft Fish and Wildlife Program

cc: CBFWA Members
Council Members
Tony Grover, Council
Bill Maslen, BPA

CBFWA Staff Initial Assessment of the Draft Fish and Wildlife Program			
Amendment Recommendations	Rec. Incl.?	Page	Assessment
Section 1.0. Amendments to the Introduction of the Program			
Amendment 1.1. Include the Statutory Basis for the Federal and the region's state fish and wildlife agencies and appropriate Indian Tribes participation in the Program	No	5, 118	The draft Program makes reference to the F&W managers and other interested parties in the "Introduction" and under "Role of F&W Managers" at the end of document with language carried forward from the 2000 Program; however, neither of these references addresses the intent of the Agencies' and Tribes' submission. The agencies' and Tribes' intent is to establish their role as partners in planning, implementing and evaluating the Program as identified explicitly in the Northwest Power Act.
Amendment 1.2. Maintain the Geographic Program Structure and Include Anadromous Fish, Resident Fish, and Wildlife Sections at Each Level	Yes/No	all	The draft Program maintains the geographic structure of the 2000 Program but does not include separate resident fish, anadromous fish, and wildlife sections. By excluding the Agencies' and Tribes' recommended measures, it is not possible to determine if the Program will compliment the existing and future activities of the federal, state, and tribal fish and wildlife managers except in the most generic sense. Eliminating specific references to measures also removes the scientific capability of evaluating whether projects funded through the Bonneville fund are consistent with the Program. (See comments in Section 2.2 and 2.3)

Amendment 1.3. Combine the Elements of the Existing Program into One Document	No	all	Although the draft Program merged the 2000 Program with the 2003 Mainstem Amendment, the draft Program lacks the subbasin elements (SBP summary tables) that were recommended by the Agencies and Tribes. Including the subbasin tables is critical for implementing adaptive management within the Program and for understanding the priorities for implementation through Bonneville funding and determining expected outcomes for monitoring. The Agencies and Tribes responded to the concept of having one consolidated Program that could be carried around in one document. They provided the elements of a Program that would be sufficient for decision making and less than 700 pages. The current draft Program is over 10,000 pages and is not organized in a user friendly manner.
Amendment 1.4. Include an Adaptive Management Architecture as the Framework of the Program	No	many	There are several references to adaptive management but the draft Program only incorporates adaptive management in a philosophical sense and on a decision by decision basis. For example, biological objectives have been eliminated or minimized, strategies have been separated from respective objectives, and there is a lack of specific measures to implement the strategies. The M&E section of the draft Program serves as guidelines for developing M&E but does not specifically identify what information will be collected and used to inform future decision making and to evaluate successful implementation of the Program. The draft Program appears to be inconsistent with the intent of the Agencies' and Tribes' recommendations as described in their April 4, 2008, transmittal letter. The draft Program represents an increase in process at the expense of substance through the recommendation to continue to develop objectives, subbasin summaries, and work plans outside the Program amendment process.
Amendment 1.5. Integrate the Program the with the Plans of the Fish and Wildlife	No	many	Although the draft Program makes several references to the FCRPS Biological Opinion and Accords and includes them by reference, the draft does not explicitly identify what measures are included and what measures are not included in the Program. The subbasin summary tables provide that linkage but are not included in this draft. Also, conflicting advice and measures were submitted to the Council from other parties and it is not clear where the Agencies and

Managers (including Endangered Species Act)			Tribes were provided deference. In several areas it is clear that the Agencies and Tribes were not provided deference particularly on basinwide issues like resident fish loss assessments, wildlife crediting and monitoring, and M&E provisions.
Amendment 1.6. Integrate the Program the with the Clean Water Act	Yes	64, 65, 73, 77	The draft Program includes several references to meeting CWA requirements and identifies measures to support the region in meeting CWA requirements.
Amendment 1.7. Clearly Establish the Intent of the Program's Scope Consistent with the Northwest Power Act	No	5	The Introduction of the draft Program describes the Council's role as developing the Program and monitoring its implementation with no reference to the Act and the responsibility of the federal agencies to act consistent with the Program. The draft Program provides few measures for the federal agencies to implement.
Amendment 1.8. Clearly Define BPA's Obligations in the Program, Consistent with the Northwest Power Act.	No	10	The draft Program describes off-site mitigation responsibilities under "2. Planning Assumptions", recognizes BPA's commitments through the Biological Opinions and the Accords, and includes a few "shall funds" under the water and land acquisition programs and other areas, but does not define BPA's obligations in any useful way to establish priorities for BPA funding within the subbasin plans or Mainstem/Systemwide areas of the Program.
Section 2.0. Amendments to			

the Basinwide Provisions			
Amendment 2.0.1 Add Language to the Objectives for Biological Performance	No	17	Although the draft Program refers to the impacts of the FCRPS on fish and wildlife populations by including previous loss assessments in the Appendix, the draft program does not include any measureable objectives for biological performance. These loss assessments should serve as the basis for setting basinwide biological objectives which are essential to the adaptive management framework. On page 17 line 5, the sentence “Collectively, specific biological objectives should represent what is considered to be mitigation for losses under the program” has been eliminated. In addition, a paragraph from page 24 describing the Significance of Objectives and Strategies (linking measures to strategies and as a basis for M&E) has been deleted. The draft Program talks about performance but provides no performance standards at either the basinwide or subbasin level.
Amendment 2.0.2 Reorganize the Strategies Section of the Program	No	24-48	The draft Program contains the original organization of strategies from the 2000 Program. The importance of the strategies is to connect the specific measures with the limiting factors and biological objectives necessary for completing an adaptive management framework. The draft Program lacks this concept and instead appears to be a list of potential activities that could be performed by the Program without specifying priorities or actions.
Amendment 2.0.3 Include a Research, Monitoring and Evaluation Plan in the Overarching Strategies Section	No	43-48	The draft Program provides a strategy for developing an M&E plan, but provides no particulars on implementing an M&E strategy. The draft Program does not appear to include any of the Agencies’ and Tribes’ measures. This is a section where additional process has been included in-lieu of the substance provided by the agencies and tribes.

Amendment 2.0.3.1 Status of the Resource Report	No	47	Although the draft Program provides for the development of a systemwide report that includes status and trend data for focal species in all subbasins, the Agencies' and Tribes' Status of the Resource Report (SOTR) is not acknowledged as being the project that performs such a task. Instead the draft Program identifies the Council as the organization that "will work with all interested parties in the basin to design this annual reporting process ..." In addition, the draft Program provides for the Council to "collaborate with others to establish an integrated Internet-based system for the efficient dissemination of data relevant to this fish and wildlife program."
Amendment 2.0.3.2 Cooperative data compilation, development, distribution and reporting	No	46-48	The draft Program describes reporting and data management processes. Some of the directives appear inconsistent with the Power Act (<i>develop</i> and adopt protocols to monitor status and trends of fish populations), while other language ignores the role of the agencies and Tribes. The draft Program provides the Council with the role of producing products that duplicate the actions of the Agencies and Tribes.
Amendment 2.0.4 Add Coordination Measures as a Strategy in the Overarching Section	No	112, 118	The draft Program is structured so that coordination has been placed under the implementation provisions of the draft Program, not as a strategy. The draft Program describes general activities that should be funded by BPA as coordination but misses the Agencies' and Tribes' intent of fulfilling the Power Act language in describing the agencies' and Tribes' role in coordination.
Amendment 2.0.5 Add Language Discussing the Impacts of Climate Change and Human Population	Yes	28, 89	The draft Program includes measures that address climate change under mainstem strategies within the Mainstem Plan, rather than as a basinwide provision.

Growth in the Overarching Strategies Section			
Amendment 2.0.6 Add Language Supporting State Aquatic Nuisance Species Plans	No	30	The draft Program does not include the Agencies' and Tribes' definition for non-native aquatic species in their Appendix; however, the draft Program does include language from the ISAB's recent non-native species white paper. The focus of the draft Program, relative to this section, appears to be the resident fish substitution program and state angling regulations. These recommendations are not consistent with recent state reports, strategies, and plans. The ISAB was not a comprehensive review of the most current information. A recent non-native species workshop shed light on the fact that the ISAB did not review recent literature nor interview the states and tribes in an attempt to obtain current state reports. Inclusion of these recommendations is inappropriate at this time. Participants at the workshop indicated that more research is needed and that flow modifications may be the best management tool to control non-native species. In addition, participants indicated that the reality of modifying regulations per the draft Program are unrealistic and will likely not be pursued. The Power Act directs the Council to rely on the Agencies and Tribes for the best available scientific knowledge when developing the Fish and Wildlife Program and to develop measures that are consistent with their plans; this section of the Program appears to be developed in reverse.
Amendment 2.0.7 Fully Integrate the Columbia Basin Water Transactions Program into the Program	Yes - but	109	The draft Program includes the water transactions program under implementation provisions and not as a basinwide strategy. The CBWTP is not referred to by name.

Amendment 2.0.8 Add Provisions to Support Fish and Wildlife Strongholds	Yes - but	26	The draft Program does not include the agencies' and Tribes' definition for strongholds and removed wildlife from their definition.
Amendment 2.0.9 Add Provisions to Reduce Sea Lion Predation	Yes - but	90	The draft Program does not include all of the agencies' and Tribes' recommended language for measures addressing sea lion predation.
Section 2.1. Anadromous Fish			
Amendment 2.1.1 Current Biological Condition	No		The Agencies' and Tribes' Amendment 1.4 prescribes an adaptive management framework that describes information necessary to support learning through implementation. Identifying the current status of target populations is the first step in that process. Reporting current status in the Program will also set the context for annual reporting in the Status of the Resource Report.
Amendment 2.1.2 Biological Objectives	No		The draft Program contains some objectives from the 2000 Program; however, the quantitative basin-wide goals are not included. The managers recommended the inclusion of quantitative objectives (page 18); however, the draft Program does not include these objectives. Working to establish a credible quantitative objective is good; however, the existing objective should be continued in the interim. The agencies and Tribes have determined that providing biological objectives at each geographic scale in the Program is important to support the adaptive management framework and to establish the context for monitoring and evaluation. There is an important omission in this section – the draft Program lacks language that states that the Council would establish specific biological objectives at the provincial level and in subbasin plans which was a basis for the solicitation of Program amendments.
Amendment 2.1.3 Limiting Factors	No		The draft Program does not include limiting factors for anadromous fish. No obvious step-down from objectives, status, limiting factors, threats strategies, and measures is included at any level within the Program.

Amendment 2.1.4 Strategies and Measures	Yes		The draft Program provides basinwide strategies but does not explicitly link them to objectives and measures.
Amendment 2.1.4.1 Consider Results from Hatchery Review Processes	Yes - but	33	Included in general; however, potential issue on who decides which HSRG recommendations to include (page 34 line 4).
Amendment 2.1.4.2 Add Language Supporting Water Quality Measures	Yes	73	Water quality is covered in some length on page 73, including recommendations for the Water Quality Plan. Most specific language recommended by the Agencies and Tribes is not included. There is no mention of cold water refugia or toxic source identification in subbasins. It is not clear why the Council included some measures while others were left out.
Amendment 2.1.5 Monitoring	No	43	The draft Program relies on additional process to develop a monitoring framework and completely ignores the substantive framework and measures proposed by the agencies and tribes.
Amendment 2.1.5.1 Monitoring Measures	No	43-48	The draft Program contains a monitoring section that includes three stated purposes; 1) tracking implementation; 2) tracking population and habitat status and trends; and 3) project effectiveness. The draft Program also includes Figure 1 that “shows how projects carried out for the purposes of achieving status and trend responses work with the various types of monitoring.” The CBFWA monitoring framework that includes a Monitoring Context with three levels, an Evaluation Context, and a Research Context for life cycle monitoring is not included, nor are the figures provided in the CBFWA recommendations that display the monitoring context. The recommended measures for a monitoring framework including the three levels and guiding principles that describes the role of the fish and wildlife managers are not included.
Amendment 2.1.5.2 Collaborative Systemwide	No	46	The CBFWA recommended measure 2.1.5.2 Collaborative Systemwide Monitoring and evaluation that establishes the framework, role and tasks for collaboration with the fish and wildlife managers and others to monitor and evaluate the program is not included in the draft Program. The Council is given the role of developing and adopting protocols to monitor status

Monitoring and Evaluation			and trends of fish populations and assess environmental conditions. . While the draft Program describes a future annual report, the role of the <i>Status of the Resource Report</i> is not recognized in the draft Program. The draft Program includes language for the Council to work with others to identify data gaps and find ways to make monitoring effective and efficient and disseminate data but does not state who “others” are, nor recognizes the role of the fish and wildlife managers. The draft Program (p 48) states the Council’s RM&E program will be coordinated with relevant biological opinions and recovery plans but does not mention other fish and wildlife manager programs such as US vs. Oregon and hatchery monitoring programs as outlined in the CBFWA measures.
Amendment 2.1.5.3 Level 2 PIT Tag Needs	No	75, 77	The CBFWA recommended measures for PIT-tagging necessary to enable monitoring of population status and trends and estimates of overall FCRPS effects are not included in the draft program.
Amendment 2.1.5.4 Fish Passage Center	Yes - but	96	The draft Program includes the Fish Passage Center but with more caveats than appropriate (pages 96-97): (1) "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." (2) The manager shall be supervised by the contracting entity selected by Bonneville...” The Fish Passage Center Oversight Board adopted specific recommendations for the Program, which were also adopted by the Agencies and Tribes and submitted through the CBFWA recommendations.
Amendment 2.1.5.5 Salmon and Steelhead Life Cycle Monitoring	No	74, 75, 77	The draft Program does not include the CBFWA recommended measures for salmon and steelhead life cycle monitoring as a critical function necessary to evaluate successful implementation of the Program and inform FCRPS operations.
Amendment 2.1.5.6 Columbia River PIT Tag	No	74, 75, 77	The recommended measures for PTAGIS are not included. PTAGIS is an important component for managing PIT tag data in the Columbia River Basin.

Information System			
Amendment 2.1.5.7 Regional Mark Processing Center (RMPC) (Evaluation Context)	No	74, 75, 77	The CBFWA recommended measures for RMPC including the specific activities are not included in the draft Program. RMPC is an important component for managing coded wire tag data in the Columbia River Basin.
Amendment 2.1.5.8 Anadromous Fish Evaluation Program (AFEP) (Level 3a)	Yes	74	Included in partial concept - "The U.S. Army Corps of Engineers, working with the regional fish and wildlife project selection process, should report to the Council annually on how decisions on fish passage improvements take into account strategies in the Council's program." The recommended measure to continue to improve collaboration with the fish and wildlife managers is not specifically included. The draft Program does however identify the role of the ISRP
Amendment 2.1.5.9 Harvest Specific Monitoring Measures (Level 3b)	Yes - but	35, 36, 80	Included in part - "...installation of PIT-tag and radio detectors", "install PIT-tag detectors at key projects that do not have them." The recommended measures for collaborative monitoring that includes a framework for run reconstructions and US vs Oregon TAC (2.1.5.2) harvest specific monitoring measures (2.1.5.9) are not included
Amendment 2.1.5.10 Hatchery Specific Monitoring Measures (Level 3b)	No	31	The draft program incorporates strategies for: minimum standards for artificial production bases on a 2004 Artificial Production Review; wild salmon protection, harvest hatcheries; restoration; and experimental approach and a review of hatchery and wild stocks, including consideration of HSRG recommendations. The role of the fish and wildlife managers in adopting HSRG recommendations is not recognized and hatchery monitoring measures in measures 2.1.5.2 and 2.1.5.10 are not included.

Amendment 2.1.5.11 Habitat Specific Monitoring Measures (Level 3b)	Yes - but	11, 47	Included in part - "...actions must include experimental design and techniques as well as monitoring and research to evaluate ecosystem effects." Language exists on page 47 about reporting, but does not reference the SOTR; rather, it appears the Council will start from scratch and develop the annual report. Recommended measures 2.1.5.2 for habitat status and trend monitoring and habitat monitoring measure 2.1.5.11 are not included.
Amendment 2.1.5.12 Critical Uncertainties	No	45	Research is only generally discusses in the draft Program and does not include recommended measures 2.1.5.2 and 2.1.5.12.
Amendment 2.1.6 Identify Specific Reporting Requirements for the Program	No	46-48, 111	No parts of this amendment were included in the draft Program.
Amendment 2.1.7 Evaluation	No	107	No parts of this amendment were included in the Council's draft.
Amendment 2.1.8 Adjustment in Program Direction	No	107	No parts of this amendment were included in the draft Program.
Section 2.2. Resident Fish			
Amendment 2.2 Include in Appendix A: Glossary, the following information for the definition of	No	19, 133	The definition of resident fish in the draft Program does not represent that recommended by the Agencies and Tribes.

Resident Fish			
Amendment 2.2.1 Report the Current Biological Condition for Resident Fish Populations	No	47	The Agencies' and Tribes' Amendment 1.4 prescribes an adaptive management framework that describes information necessary to support learning through implementation. Identifying the current status of target populations is the first step in that process. The organization of the draft Program makes it difficult to understand their approach for resident fish since those sections are scattered throughout the Program (see agencies' and Tribes' Amendment 1.2).
Amendment 2.2.2 Maintain the Current Basinwide Objectives for Biological Performance in the Program	Yes - but	18, 23, 42	The draft Program contains several words that change the applicability of the Biological Objectives for resident fish. The draft Program also diverts the discussion for development of biological objectives to an additional public process, contrary to the solicitation for biological objectives for this program amendment.
Amendment 2.2.3 Outline the Current Limiting Factors Affecting Resident Fish Populations	No	19	The draft Program provides no description of factors limiting resident fish. No parts of Agencies' and Tribes' amendment were included in the draft Program. This is an important element that ties resident fish strategies to objectives, and supports prioritizing measures in an adaptive management framework.
Amendment 2.2.4 Provide Priorities and Principles for Resident Fish Strategies and Measures	Yes - but	18, 19, 26	The Agencies' and Tribes' amendment was not included verbatim; however, general themes are included. The draft Program stipulates that proposals for ongoing or new resident fish substitution projects using non-native species must include a comprehensive Environmental Risk Assessment of potential negative impacts on native fish species. This recommendation should include a date of implementation (e.g., FY2010) at which time this requirement will go into effect. The draft Program indicates that the Council will "work with the ISRP and the appropriate fish and wildlife agencies and Tribes to develop the final Environmental Risk

			Assessment template. The word "appropriate" should be removed since it is appropriate and essential that all of the entities are involved in the process.
Amendment 2.2.4A Develop Resident Fish Loss Assessment Methodology and Continue to Fund Existing Projects in the Interim:	No	19	The draft Program provides for the development of loss assessments; however, implementation of such assessments is to be performed "where feasible." The draft Program does not include the Agencies' and Tribes' recommendation to develop a common loss assessment methodology.
Amendment 2.2.4B Complete Resident Fish Loss Assessments:	No	19	The draft program stipulates that loss assessments should be conducted "where feasible" whereas the agencies and tribes recommend "fishery managers will complete assessments of resident fish losses related to construction and operation of each hydropower facility throughout the Columbia River Basin and submit to Council for inclusion into the Program notwithstanding existing projects." The draft Program recommends to "consider adopting the loss assessments into the program." The use of "where feasible" will likely limit the number of assessments that are completed. It appears Council, likely with input from BPA, will identify the hydro facilities for which assessments will be performed. In addition, the exclusion of agencies' and tribes' proposed "notwithstanding existing projects" could jeopardize ongoing projects.
Amendment 2.2.4C-N Table of Measures for Resident Fish:	Yes	67-88	All hydrosystem-related measures are represented in the Mainstem Plan.
Amendment 2.2.5 Include a Statement Regarding Monitoring of	No	43-45	Although there is a general monitoring and evaluation description there is no resident fish specific language as recommended by the agencies and tribes.

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Resident Fish Populations			
Amendment 2.2.6 Identify Specific Reporting Requirements for the Program	No	none	No elements of this amendment were included in the draft Program.
Amendment 2.2.7 Identify How Evaluation of the Resident Fish Section of the Program Will Occur	No	none	No elements of this amendment were included in the draft Program.
Amendment 2.2.8 Explain How Adjustment in Program Direction Will Occur Over Time	No	107	No elements of this amendment were included in the draft Program.
Section 2.3. Wildlife			

<p>Amendment 2.3.1 Include the Current Ledger for Wildlife</p>	<p>No</p>	<p>38, 39, 19</p>	<p>Draft Program includes Table 11-4 from 2000 program but does not include the agencies' and Tribes' Table 2.3.1 representing losses adjusted to represent 2:1. The draft includes language that "Council adopted and continues to endorse the 2:1 crediting ratio for the remaining habitat units" (it is unclear what the base is for remaining habitat units, Table 11-4 or Table 11-4 minus what acquired since then). The ratio only applies when loss estimates are not inaccurate due to stacking" (Does not say which areas 2:1 does not apply, Willamette, Albeni Falls, So. Idaho? nor does it define stacking). The recommended measure to include Table 2.3.1 is not included in the draft Program.</p>
<p>Amendment 2.3.2 Update the Current Basinwide Objectives for Biological Performance for Wildlife</p>	<p>No</p>	<p>19, 38, 39, 41</p>	<p>The draft Program states on page 19 "complete the mitigation to address the assessed losses caused by construction and the resulting inundation of land." The draft Program endorses 2:1 but does not include recommended table 2.3.1 so it is unclear what the "base" is. There is no language specifically acknowledging management for ecological function and consistency with state conservation strategies and tribal management plans. Draft Program page 41 (g) states "Project selection will be guided by subbasin plans incorporating wildlife focal species and management strategies." The recommended measure 2.3.2 including the enhancement of ecological function consistent with subbasin plans, state conservation strategies and tribal management plans is not clearly reflected in the draft Program.</p>

<p>Amendment 2.3.3 Include the Current Limiting Factors Affecting Wildlife</p>	<p>No</p>	<p>40,41</p>	<p>The draft Program does not include the specific language recommended by the agencies and Tribes. The draft Program keeps HEP as the mitigation accounting tool and allows "parties to a wildlife mitigation agreement may develop and use another method for evaluating potential mitigation actions..." pending Council approval. No real recognition though of a paradigm shift to ecologically based assessments. The draft Program page 19 acknowledges operational and secondary losses, and consistent with amendment recommendation, a vision for a more ecosystem-based approach integrating fish and wildlife mitigation projects where possible. But the criteria for crediting (recommendation 2.3.4.D) are not included, nor are the recognition of the need to increase the rate of implementation.</p>
<p>Amendment 2.3.4 Provide Priorities and Principles for Wildlife Strategies and Measures</p>	<p>No</p>	<p>38</p>	<p>Draft Program strategy is to complete the current mitigation program for construction and inundation losses and include wildlife mitigation for operational losses but the "measures" for operational loss assessments, reference to managing for ecological function, criteria for crediting and RM&E are not as binding as in the agencies' and Tribes' recommendation, the word shall is used as opposed to must. Recommendation for a crediting forum is included in the draft (see below). Overall the recommended measure (2.3.3) is not included in the draft Program.</p>
<p>Amendment 2.3.4A Fund Operational Loss Assessments:</p>	<p>No</p>	<p>41</p>	<p>Draft Program language states "...the Council will consult with the wildlife managers and Bonneville on the value of committing resources at this time to assessing direct operational impacts..."; Operational loss assessment work in the Kootenai may serve as a pilot, and "Revised subbasin plans will serve as the vehicles to provide mitigation for any identified direct operational losses and for secondary losses to wildlife due to declines in fish..." There is no direction as contained in the agencies' and Tribes' recommendation for ecological approach to operational loss assessments, no direction to Bonneville to fund the operational loss assessments, no direction to have a framework for assessing operational losses in place by the end of 2009 and for the assessments to be initiated in 2010. The recommended measures of the agencies and tribes are not included in the draft Program.</p>

<p>Amendment 2.3.4B Long-term funding agreements:</p>	<p>No</p>	<p>38-40</p>	<p>The agencies' and Tribes' recommendation called for long term agreements for existing and future agreements with specific criteria. Draft Program language states: "Where possible, wildlife mitigation should take place through long-term agreements and includes elements the agreements should include." Page 38 also states agreements should be developed by 2011 with a report to the Council on progress and agreements for existing projects shall be proposed, but no language listing the projects or that the agreements need to provide adequate funding based on the management plan. The draft Program makes reference to agreements including measureable objectives including acres of habitat types, number of habitat units and funding to achieving and sustaining wildlife mitigation objectives but what the objectives are to be based on (management plan objectives or HUs) is unclear. There are also tables in the Appendix for priority habitats in different areas but how valid those priorities are given the subbasin plans and state conservation strategies is unclear. The recommended measures identifying the criteria that will be included in long-term agreements are not included in the draft Program.</p>
<p>Amendment 2.3.4C Fund existing projects at levels adequate to implement management plans:</p>	<p>No</p>	<p>38</p>	<p>See 2.3.4B above. The agencies and Tribes recommended measures to fund ongoing projects, including a list of specific projects, at adequate levels to implement their management plans are not included in the draft Program.</p>
<p>Amendment 2.3.4D Establish a Wildlife Crediting Forum for maintaining the crediting ledger:</p>	<p>Yes - but</p>	<p>41</p>	<p>Draft Program does include a Wildlife Mitigation Crediting Forum but does not include the criteria to be met for a project to receive credit.</p>

Amendment 2.3.4E Fund Adequate M&E:	No	40	The draft Program does not speak to this issue except to identify HEP as the appropriate tool for calculating HUs lost and acquired. The agencies' and tribes' recommended measures for wildlife monitoring are not included in the draft Program.
Amendment 2.3.5 Include a Statement Regarding Monitoring of Wildlife	No		Draft Program language for long term credit includes "incentives to ensure effective implementation of the agreement, plan or action, with periodic monitoring and evaluation (including a periodic audit) and reporting of results..." but other than Pisces no specific language from the agencies' and Tribes' recommendation that directs the level of RM&E will be based on the ecological objectives linked to the management plans and subbasin plans; no language that RM&E needs to be sufficient to track trends in ecological function or to provide data for adaptive management. There is also no language linking the RM&E to broader monitoring efforts such as the State conservation plans.
Amendment 2.3.6 Identify and Support Specific Reporting Requirements for the Program	No	47	Specific reporting requirements that were recommended are not included in the draft.
Amendment 2.3.7 Identify How Evaluation of the Wildlife Section of the Program Will Occur	No	38	The draft Program states "Bonneville and the fish and wildlife managers should develop agreements by 2011 and report back to the Council on progress." This is not necessarily what the agencies and tribes intended with their recommendation. The recommended measure 2.3.7 is not included in the draft Program.
Amendment 2.3.8 Explain How Adjustment in Program Direction	No		No elements of this amendment were included in the draft Program.

Will Occur Over Time			
Section 3.0. Amendments to the Ecological Province, Sub basin, and Focal Species Provisions for Anadromous Fish	No		It is not clear where or how the draft Program includes the subbasin specific measures submitted by the agencies and tribes.
Section 3.1 Columbia River Estuary Province and Ocean	No	53-55	It is not clear where or how the draft Program includes the subbasin specific measures submitted by the agencies and tribes.
Section 3.9 Pacific Lamprey		81	The draft Program includes some of the measures recommended by the Agencies and Tribes for passage improvements; however, no language is included for other strategies, specifically for lamprey.
Section 4.0. Recommended Amendment to Sub basin and Focal Species Provisions for Resident Fish	No		It is not clear where or how the draft Program includes the subbasin specific measures submitted by the agencies and tribes.
Section 5.0. Amendments to the Implementation			

Provisions			
Section 5.1. Implementation Funding Provisions			
Amendment 5.1.1 The Program Should Define BPA's In-Lieu Funding Restrictions	Yes - but	113	The draft Program includes a statement regarding BPA's in-lieu policy. This statement may be consistent with the agencies' and Tribes' recommendations, but may be too brief.
Amendment 5.1.2 The Program Should Ensure that Funding for Fish and Wildlife Actions can be Carried Over to Spend on Fish and Wildlife	No		No elements of this amendment were included in the draft Program.
Amendment 5.1.3 The Program Should Include a Capitalization Policy for Fish and Wildlife-related Expenditures	No		No elements of this amendment were included in the draft Program.
Amendment 5.1.4 The Council	No		No elements of this amendment were included in the draft Program.

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Should Investigate Innovative Ways to Ensure Cost Effective Administration of Program			
Amendment 5.1.5 The Program Should Discuss the Relationship Between Project Funding and BPA Rate Case	Yes -but	16	This is generally discussed on page 106-107 without the details recommended by the agencies and tribes.
Amendment 5.2. The Project Solicitation Process	No	107	The draft Program includes a description of many facets of a project review process, but fails to mention, even once, the role of the fish and wildlife Agencies' and Tribes' in the project selection process. The draft Program is also unclear on the relationship between multi-year implementation plans and the project review process.
Additions to 2000 Program. w/o Supporting Recommendations			

<p>Scientific Support</p>		<p>20, 113</p>	<p>It appears that the ISAB and ISRP have been relied on to provide the scientific justification for the Council’s draft Program. Deference has not been provided to the Agencies and Tribes for management and science issues. In almost every instance where a term related to science is used, ISRP and ISAB reports are footnoted. “The Council charges the ISAB with the primary role in reviewing and recommending modifications to the scientific principles (page 20 line 39).” A new and expanding role has been identified for the ISAB. The role of the ISRP has also expanded beyond that described in the Act.</p> <p>ISAB – NOAA Fisheries and the Columbia Basin Indian Tribes need to confirm agreement with Council on the specific ISAB functions identified in the draft Program. The ISAB has released two recent reports where fish and wildlife manager input and comments were not considered in the final report (CSS and non-native fisheries management). The draft Program provides the Council with the opportunity to rely on the recommendations from the ISAB over the advice from the fish and wildlife agencies and tribes in almost every section of the draft Program.</p> <p>ISRP – The draft Program indicated that all projects funded under the Program are required, by law, to undergo review by an independent science panel (page 113, line 12). The role of the ISRP is defined in the Northwest Power Act which states that the groups “shall review a sufficient number of projects to adequately ensure that the list of prioritized projects recommended is consistent with the Council’s program.” A poorly defined program with no specific measures makes this job more difficult for the ISRP members and empowers the ISRP beyond the intent of the Act. A poorly defined program creates ambiguity as to the priorities of measures for protection, mitigation, and enhancement of fish and wildlife populations. Incorporating the adaptive management framework and specific measures proposed by the agencies and tribes will provide appropriate context for stronger ISRP reviews.</p>
<p>Land acquisition fund</p>		<p>110</p>	<p>Not recommended by agencies and Tribes.</p> <p>Comment: The 2000 program (page 48) included language for a dedicated budget for a “Land and Water Acquisition Fund with an advisory board appointed after consultation with BPA, fish and wildlife and land management agencies, Tribes and NGOs.” It is not clear why the Council chose to delete significant language provided in the 2000 Program and the agencies and tribes</p>

			may want to suggest reverting to the 2000 Program language, consistent with Amendment 2.0.7 in a redline mark-up.
Development of Implementation Plans		8, 24, 106	The draft Program indicates that the Council will work with locals to develop implementation plans similar to the Columbia Basin Fish Accords in areas where accords do not exist (Page 8 line 18). The Council will work with Bonneville and other partners to develop multi-year implementation plans in areas lacking funding commitments (page 24 line 15 and page 106 line 39). The Council will work with recommending entities, Bonneville and others to shape the measures recommended for these areas of the program into multi-year implementation plans similar to the implementation plans represented in the 2008 Biological Opinion and the Accords (page 106 line 7). For the program areas that do not yet carry Bonneville funding commitments, the Council will work with Bonneville and project sponsors to estimate multi-year implementation budgets and secure funding commitments that assure adequate funding for these implementation plans (page 106 line 39).
Deleted “Opportunities for Increased Harvest”		35	The draft Program is void of a paragraph from the Artificial Production section of Harvest Strategies (page 24, top of 3 rd column in 2000 Program) that called for identification of increased harvest opportunities (would be Page 35 Line 31 of draft Program).
Loss of Hydro Objectives and Measures		56-101	In the integration of the Mainstem Plan with the draft Program, it appears the several important measures have been omitted. A comprehensive comparison between the prior mainstem elements and the current draft elements should be performed to develop specific comments for inclusion in a red line mark-up of the draft. A few examples include: <ul style="list-style-type: none"> ○ Protect Biological Diversity (page 26 of 2000 Program) has been lost. ○ Annual Report on Capital Improvements (page 26 of 2000 Program) has been lost (replace on page 74 of draft Program?). ○ Annual Hydrosystem Accountability Report (page 28 of 2000 Program) has been lost, ○ Annual Report of Flow Augmentation (page 28 of 2000 Program) has been lost, ○ Specific Biological Objectives and Measures Relevant to Hydrosystem Operations (page

			<p>29 of 2000 Program) has been lost,</p> <ul style="list-style-type: none"> ○ A detailed hydrosystem operations plan is no longer needed (page 57 line 4) has been added, ○ The Council sets out a detailed purpose for the Mainstem Plan (page 57 line 34) which should be analyzed to determine if the draft Program accomplishes this purpose, and ○ It appears that all biological objectives have been moved to Basinwide Provisions (and lost), ○ Addition of Mid-C Hydro Projects HCPs (page 99 of draft Program) with no specific objectives or measures, <p>Also, it is not clear in the draft Program that the Power Act requirement have been met:</p> <ol style="list-style-type: none"> 1) Provide for improved survival of anadromous fish at hydroelectric facilities on the Columbia River, and 2) Provide flows of sufficient quality and quantity between facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives.
Subbasin Plans		142	<p>The draft Program states that subbasin plans must undergo scientific review and therefore any revisions to subbasin plans must go through a formal process before being adopted into the Program. Furthermore, the draft Program establishes an additional process for reviewing subbasin level Program recommendations for objective and measures. The Council’s treatment of the Agencies’ and Tribes’ subbasin level recommendations may fail the “deference” clause of the Power Act. While the Council insists that the management plans for the subbasin plans are incorporated into the Program, they have removed all language describing what a management plan is. And finally, the Council implies that all the measures that were submitted by individual agencies and tribes are consistent with subbasin plans, and are therefore already in the Program; but, the Council does not identify any specific measures in the Program and these vague references would not support a project review and selection process. This action appears completely inconsistent with the Power Act and the solicitation for amendments for this process.</p>

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			The public process of amending the Program was initiated with a call for specific information (including objectives) and suggested that if subbasin level information was submitted, it should include the linkages between objectives, strategies and measures. Now that this information has been submitted, the Council is initiating yet another process to review the material submitted during the current process.
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