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September 1, 2011

MEMORANDUM

TO: Fish and Wildlife Committee members

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

SUBJECT: Discussion of timing of the next Fish and Wildlife Program Amendment process

At the September Fish and Wildlife Committee meeting the staff will discuss the requirements of amending the Council's Fish and Wildlife Program and review amendment timeframe alternatives. The staff is not asking for a decision on a preferred timeframe at this time.

Relationship to the Power Plan

The Fish and Wildlife Program (Program) is an element of the Council's Power Plan, and thus the timing of the revision of the Program is influenced by the timing of the revision of the Power Plan. According to the Northwest Power Act (Act), the Power Plan is to be reviewed by the Council at least every five years, and the Program is to be amended prior to that review so it can be considered during the revision of the Power Plan. Staff projects that the Power Plan should be in development by February of 2015. Working backward from that date, the staff estimates that the amended Program could be adopted during the summer or early fall of 2014. This timing would allow the Program to be completed and approved in time to be fully considered during the development of the seventh Power Plan.

A year to act on recommendations received

With summer or fall 2014 as our target for the final Fish and Wildlife Program, we can work backward using a few hard timeframes from the Act. According to section 4(h)(9) of the Act, the Council shall adopt the Program within one year after receiving the recommendations from the public. This means that we need to close the recommendation period in the summer or early fall of 2013.

Submission of recommendations to amend the Program

Section 4(h)(3) of the Act notes that entities submitting recommendations to amend the Program shall have *at least* 90 days to submit their recommendations. In the development of the 2009 Program, the Council initially scheduled 90 days for the submission of the recommendation, and upon request, extended the recommendation period another 60 days for a total of 150 days. The

staff suggests that we consider starting the amendment process (release the call for recommendations) around April-June of 2013 to ensure we have enough time for the recommendation period.

Other Considerations

Before the Council calls for recommendations to amend the Program, the Council and staff will likely spend many months preparing for the upcoming process. For example, if the Council wants to call any particular attention to specific sections of the Program, or request recommendations to address specific Program needs, the staff and the Council will need to spend time developing these concepts ahead of the request for recommendations, and preparing a letter to the region describing the need. Other tasks include updating the system for electronically submitting recommendations and managing all of the information that will be generated by this process.

At a recent staff retreat, we discussed holding mini “science and policy exchanges” or Council-meeting panel discussions on several potential topics in advance of the Program amendment process. These would provide an opportunity for the staff and Council members to discuss the latest scientific perspectives and policy implications before the official start of the amendment process. A few possible topics include: Program objectives, the draft Monitoring, Evaluation, Research and Reporting Plan (MERR), the research plan, subbasin and implementation action plans, the ISAB food web report or landscape-scale restoration report (due this fall), predation, supplementation, and others.

Attached to this memo are examples of two alternative timelines that would meet the legal requirements of the Act. Again, no decision is requested by staff. These examples are included for discussion purposes.

Columbia River Basin Fish and Wildlife Program Amendment

Timeframe alternatives

September 13, 2011



“Such agencies and tribes shall have 90 days to respond to such request, unless the Council extends the time for making such recommendations.”

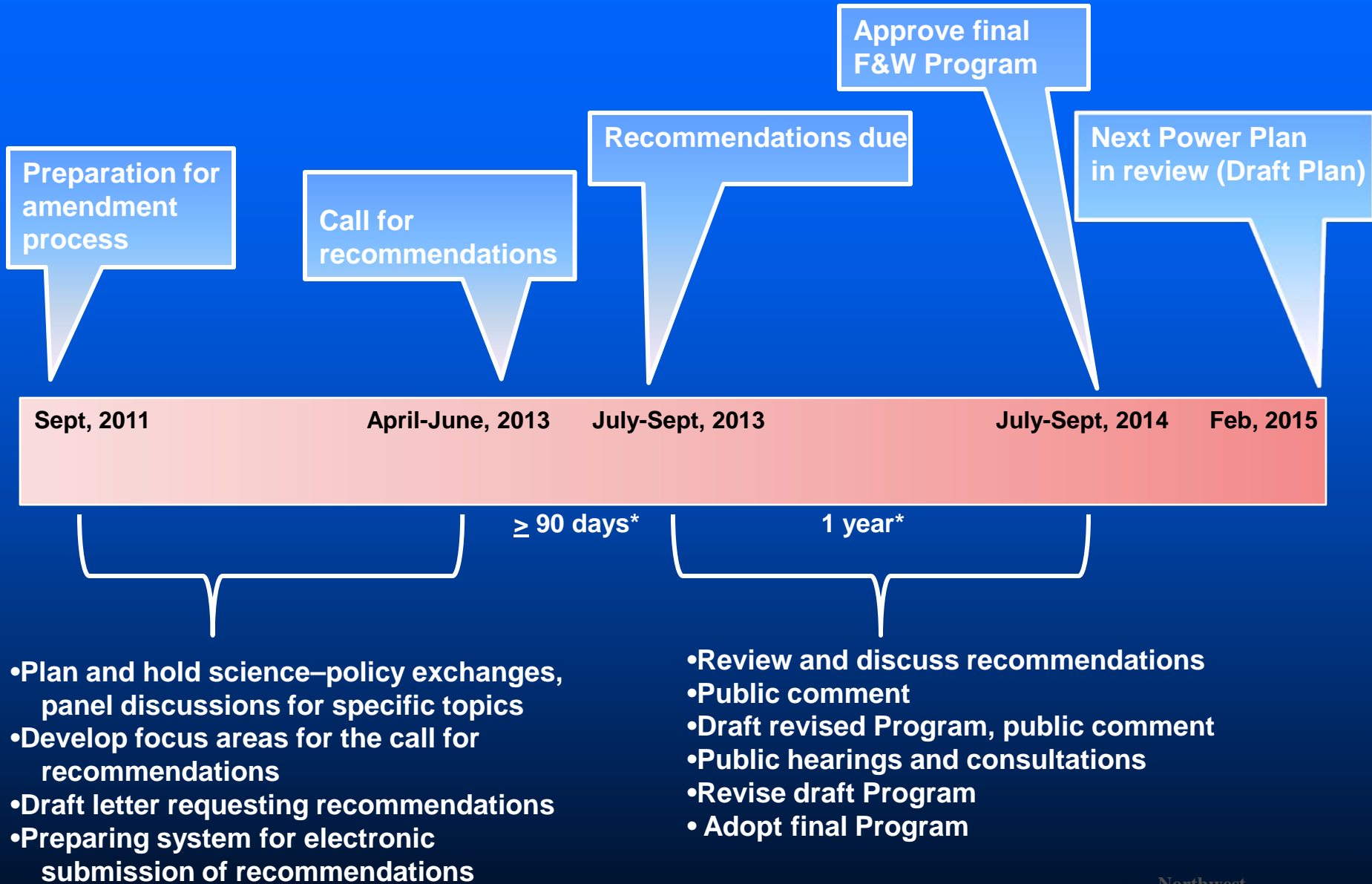
– Northwest Power Act, Section 4(h)(3)



“The Council shall adopt such program or amendments thereto within one year after the time provided for the receipt of the recommendations.”

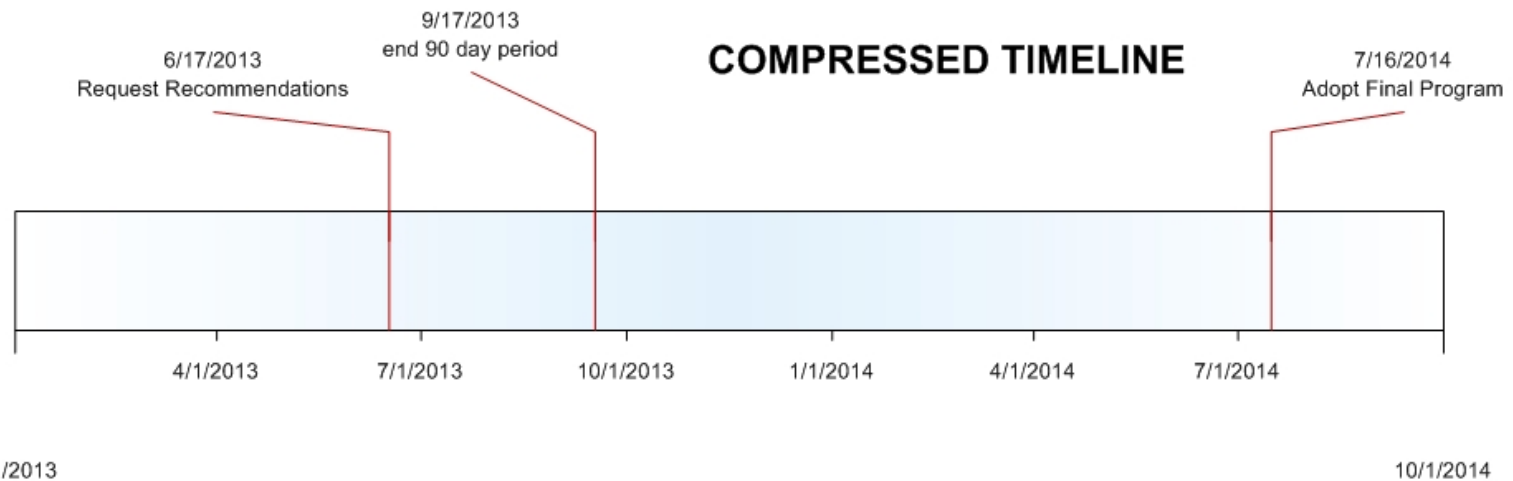
– Northwest Power Act, Section 4(h)(9)

Building the timeframe for the amendment process



ALTERNATIVE FISH & WILDLIFE PROGRAM AMENDMENT SCHEDULES

COMPRESSED TIMELINE



EXTENDED TIMELINE

