

6. Program implementation and management

6(a) Implementation roles

Source: Columbia River Inter-Tribal Fish Commission
Recommendation No. 40

Recommendation: The Commission recommended the following description of how the program should be implemented: The Council develops but does not implement the fish and wildlife program. With few exceptions, Bonneville does not implement the program, either. Instead, the Northwest Power Act directs Bonneville to use its “fund” -- its power revenues -- and other authorities to protect, mitigate and enhance fish and wildlife “in a manner consistent with” the Council’s program. Under this provision, Bonneville funds fish and wildlife projects and activities proposed by others -- primarily but not exclusively the state and federal fish and wildlife agencies and tribes and the federal project operating agencies -- to implement the program.

The co-managers also are actively involved in sponsoring projects for implementation with Bonneville funding. Sponsorship does not mean that the sponsoring entity will receive funding for project implementation. Instead, sponsorship generally reflects endorsement of the project by the co-manager and a willingness to develop project proposals and follow through with regard to information needed to complete reviews by other co-managers, scientific peers, and the Council.

In addition, the co-managers generally account for project implementation through development of project reports, in the event that the sponsoring entity is also the primary implementing entity. The co-managers coordinate projects with others including land and water managers, irrigation districts, and public interest groups to assist in obtaining necessary permits, cost shares, and environmental analyses. Co-managers occasionally assume title for physical facilities.

Finding: The Commission’s recommendation is more a basic statement of how it understands the roles and responsibilities in program implementation than a particular recommendation. The Council adopted provisions consistent with this assessment in describing how the program is to be implemented and managed and by whom. Section VI; *see also* Section VII.1 and .2. The Commission’s description says little about the Council’s role in implementation, especially project review and funding recommendations under Section 4(h)(10)(D) of the Power Act. The Council did not understand that to be a recommendation that the Council abrogate or modify its statutory duties.

Source: Oregon Department of Fish and Wildlife
Recommendation No. 26

Recommendation: Oregon recommended a description of program implementation similar to the Commission: The Council develops but does not implement the fish and wildlife program. With few exceptions, Bonneville does not implement the program, either. Instead, the Northwest Power Act directs Bonneville to use its “fund” -- its power revenues -- and other authorities to protect, mitigate and enhance fish and wildlife “in a manner consistent with” the Council’s program. Under this provision, Bonneville funds fish and wildlife projects and activities proposed by others -- primarily but not exclusively the state and federal fish and wildlife agencies and tribes and the federal project operating agencies -- to implement the program.

Finding: See the findings immediately above in response to the recommendation from the Commission.

Source: Yakama Nation
Recommendation No. 24

Recommendation: The Yakama Nation recommended the following reorganization of roles in program implementation: The old program recognized the CBFWA caucus approach to managing and allocating available resources. The three caucuses (anadromous fish, resident fish, and wildlife) were each allocated a proportionate share of the available budget to plan their annual work effort. While this approach may have been necessary in the earlier phases of the program, it has resulted in three different disciplines and thought processes all going in different directions at the same time. We need to make some drastic changes in this approach to ensure success over the next five years.

Reorganize the downriver caucuses into a watershed restoration team. Sub-groups, similar to the old caucus structure, will be a natural outgrowth of this process; however they will be ecologically and/or functionally oriented rather than by discipline. Some logical examples of sub-groups would be evaluation and monitoring, restoration methodology, hatchery technology, riparian and wetland management, habitat acquisition, research, mainstem flow operations. To be successful, the watershed restoration approach demands an integrated interdisciplinary team to address the problem. The expertise of the resident fisheries and wildlife ecologists must be married with that of the anadromous fisheries scientists and other disciplines in the new program. This approach is entirely consistent with the Council's new subbasin planning emphasis and will contribute a great deal of cost efficiency, accountability, and integrated thought process to the salmon recovery effort over the next five years.

We need to recognize that the needs of the upriver areas blocked from salmon are different than the needs of the downriver areas with salmon. We need to develop two separate but parallel processes for these vastly different situations. Upriver mitigation should be allowed to proceed with a greater degree of latitude for individual planning efforts specific to the unique characteristics of their hydropower losses. They should be allowed to follow the mitigation path of their choice and not necessarily be constrained to a strict watershed restoration philosophy more appropriate to the downriver areas.

Finding: Although the Council finds merit in the premise and rationale of the recommendation, the Council did not adopt a requirement that the fish and wildlife managers organize themselves in any particular way in their efforts to interact and fulfill their roles in program implementation. However, as the program shifts more and more to integrated subbasin plans, a rolling review of projects based on the ecological provinces, and an emphasis on watershed habitat restoration, it is possible that the fish and wildlife managers and CBFWA will find themselves re-organizing along the lines recommended here.

Source: Jim Middaugh
Recommendation No. 30

Recommendation: Mr. Middaugh recommended that while the proposed reforms to the program and the project selection process being considered by the Council are moving in the right direction, to address fully the region's common challenges, the Council must go beyond changing procedures by considering changes to the structure of the Council, CBFWA and Bonneville. The Council should create

new approaches to project planning, review, implementation and management that are more efficient and effective for everyone:

- Institutionalize CBFWA and its caucuses as the implementation arm of the fish and wildlife program within the Council.
- Redirect Council staff away from project review, implementation and management back toward supporting basinwide planning and policy development.
- Incorporate Bonneville contracting and management under the Council's administrative division.
- Use the savings to create a tribal liaison position at the Council and to provide funds to the tribal caucus for improved tribal coordination and participation at all levels of the program.

Finding: The Council did not adopt this recommendation, but it does believe the ideas and underlying concepts are worth considering in the next few years. The proposal to make CBFWA an implementation arm of the program and to shift contracting and management from Bonneville to the Council would take the support of the state, federal and tribal fish and wildlife managers and Bonneville, and that support is currently not there. Also, it is not clear how integrating the program implementation and management functions more into the Council than at present would in an of itself free the Council staff to focus more on planning and policy development and less on project review, implementation and management. The reverse could easily be the result.

6(b) Program funding

6(b)(i) Bonneville funding commitment

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville noted that the Memorandum of Agreement covering Bonneville's fish and wildlife funding commitment for implementation of the Council's fish and wildlife program and the Federal Columbia River Power System (FCRPS) biological opinions will expire on September 30, 2001. Bonneville is committed to meeting its future fish and wildlife obligations once they have been established, including its trust and treaty responsibilities, as stated in the Fish and Wildlife Funding Principles that Vice President Gore announced in September 1998. Bonneville is committed to funding the Bonneville share of the Regional Plan, as identified through both the Council's program and the FCRPS biological opinions, and has positioned itself financially through the rate setting process to abide by that commitment. For those funds budgeted for repayment to the federal Treasury for Corps and Bureau capital improvements, a substantial amount remains unexpended due primarily to Congress' decision not to appropriate funds along the timeframe originally estimated when the MOA was established. As Bonneville committed in the fish budget MOA, Bonneville will keep any funds planned but unspent available for the benefit of fish and wildlife and will not reprogram them for non-fish and wildlife use.

Additional funding needs that arise prior to the expiration of the MOA for actions identified in the FCRPS Biological Opinion(s) for the protection of ESA-listed species, or for focused immediate actions to benefit fish and wildlife arising prior to the completion of a Regional Plan, are anticipated to be handled under existing MOA limits. Bonneville would look first to any unallocated funds in the direct program budget, second to any savings from completed projects through deobligations from their closed contracts, and finally, if necessary to reallocation between categories under the MOA. Bonneville believes, however, that an immediate focus upon reallocation under the MOA would shift the Region's attention away from the development of a sound Regional Plan, part of which includes the Council's efforts to establish a firm scientific basis, clear goals and measurable objectives for the fish and wildlife program.

Finding: Consistent with this recommendation, the Council adopted planning assumptions that Bonneville will make available sufficient funds to implement measures in the program in a timely fashion, Section III.A.2, and will fulfill the Fish and Wildlife Funding Principles adopted in September 1998, including the commitment to "meet all of its fish and wildlife obligations," Section VI.A.4. The Council hopes this can occur as part of implementing an integrated "Regional Plan" that includes all of the fish and wildlife activities that will be demanded of Bonneville. The Council designed the program as a possible vehicle for this integration. In any event, however, the Council assumes Bonneville will make available sufficient funds to implement the program to satisfy the protection and mitigation obligations of the Power Act, even if parts of Bonneville's obligations, such as specific ESA requirements, are not yet defined.

The Council did not adopt provisions specifically about additional funding needs or reallocations under the current funding Memorandum of Agreement, as that is about to expire and is not an appropriate subject for a long-term program. These matters should be governed under the terms of the MOA in discussions among the relevant parties.

Source:	Spokane Tribe
Recommendation No.	28
Source:	Montana Fish, Wildlife and Parks
Recommendation No.	31
Source:	Colville Confederated Tribes
Recommendation No.	33
Source:	Burns-Paiute Tribe
Recommendation No.	34
Source:	Shoshone-Bannock Tribes
Recommendation No.	38
Source:	Washington Department of Fish and Wildlife
Recommendation No.	43

Recommendation: These fish and wildlife agencies and tribes recommended that Bonneville make available sufficient funds to implement in a timely fashion the adopted subbasin plans, or subbasin summaries until subbasin plans are adopted.

Finding: The Council adopted these recommendations by adopting a planning assumption that Bonneville will make available sufficient funds to implement measures in the program in a timely fashion. Section III.A.2.

Source:	Spokane Tribe
Recommendation No.	28

Recommendation: The Spokane Tribe added to the above recommendation that all needs-based projects approved through the subbasin planning process should be funded. Bonneville’s fish and wildlife budget should be large enough to fund all measures approved and brought forward through the subbasin planning process, as Bonneville claims in its 2000 rate case to have set its rates and established its cost recovery mechanisms to cover all fish and wildlife cost contingencies over the next five years. If Bonneville’s budget is adequate to cover the basin’s needs, there should be no need to eliminate on budget grounds worthwhile projects that have gone through appropriate review and approval processes. If Bonneville does not keep its commitment to fund all needed fish and wildlife measures, the Spokane Tribe recommends that funding be prioritized to address the longstanding inequity in funding for the blocked areas, storage reservoirs and upper Columbia River province.

Finding: The Council adopted provisions consistent with this recommendation by adopting planning assumptions that Bonneville will make available sufficient funds to implement measures in the program in a timely fashion, Section III.A.2, and will fulfill the Fish and Wildlife Funding Principles adopted in September 1998, including the commitment to “meet all of its fish and wildlife obligations,” Section VI.A.4. Bonneville’s commitment in the 1998 Principles formed the basis for its rate case filing concerning fish and wildlife costs.

Source: Northwest Irrigation Utilities, Columbia-Snake River Irrigators Association, Eastern Oregon Irrigators Association
Recommendation No. 25

Recommendation: These irrigation interests said that their recommended “New Water Management Alternative for the Columbia River Basin,” which would restructure the existing flow targets/flow augmentation program, should produce additional power revenues from the federal hydroelectric power system beyond what would be produced under the current biological opinion regime. The additional revenues (estimated to be about \$40 million annually) or a significant portion of them should be allocated to developing new water management projects within the tributaries and watersheds. The funding should be made available to state agencies working with local stakeholder groups and the tribes specifically for the purpose of funding water management projects within tributaries and watersheds. In developing the new water resources projects, a portion of the power revenues from the restructured hydro regime shall be used to finance direct participation by the tribes. In effect, the tribes should become equity partners with the states and economic stakeholders in developing the new projects. The current economic costs of flow augmentation can be transformed into venture capital for the tribes to become equity partners.

Finding: The Council did not address this recommendation. It is subsidiary to and depends on the adoption of the recommended New Water Management Alternative, which concerns specific water management and operational measures that will be a subject for the subsequent mainstem plan amendment process. The Council does agree with the general principle that *if* future changes in flow and other hydrosystem operational measures for fish and wildlife result in substantial savings at Bonneville, that should improve Bonneville’s ability to fund tributary fish and wildlife habitat projects as off-site mitigation.

Source: Northwest Resource Information Center, Inc.
Recommendation No. 51

Recommendation: The Northwest Resource Information Center, Inc. stated that the deregulated market will replace at competitive prices the energy foregone by breaching the four lower Snake River dams. Therefore, there will be no impact on ratepayers from fulfilling the fish restoration requirements of the Power Act. However, there will be an impact on Bonneville’s revenues. This is because Bonneville for decades has been stealing the fishes’ water, and destroying local and regional Native American and non-Indian economies, to pay its nuclear power plant gambling debts. The Council should prescribe how Bonneville should obtain the revenue necessary to pay its nuclear power plant gambling debts without destroying Snake River anadromous fish and dependent economies at such time as the four lower Snake River dams are breached and Bonneville loses the revenue from that source.

Funding: The Council did not address this recommendation. It is subsidiary to and depends on the adoption of the recommendation to breach the four lower Snake River dams. Specific mainstem measures will be the subject of the subsequent mainstem plan amendment process. Whatever measures are adopted for mainstem hydrosystem operations for fish and wildlife, the Council will also have to be able to make a determination that the region will have an adequate, efficient, economical and reliable power supply.

6(b)(ii) Funding allocation principles and priorities

Source: National Marine Fisheries Service
Recommendation No. 54

Recommendation: The Fisheries Service recommended:

- Develop a priorities framework for funding decisions. The Phase 1 amendments should include a framework for decisions and resource allocations. Subbasin and watershed plans should provide the framework for priorities at the subbasin (across watersheds) and watershed (across sites) scales. The Council framework at the basin-level and province-level lacks a mechanism for determining how to prioritize efforts at the basin-level (across and among ecological provinces) and at the province level (across and among subbasins). The framework also lacks a mechanism for deciding priorities across classes of actions. NMFS understands this as a complex and difficult but necessary task. Some of the advantages of a priorities framework are that it could: provide objective and consistent criteria for allocating resources to actions that have a high likelihood of benefiting ESA-listed species; ensure that individual actions integrate into a synergistic set of actions; to integrate multiple program objectives and strategies.
- The Council should allocate appropriate funding to all components of the program including high priority actions, subbasin assessment, subbasin planning, research, monitoring and evaluation and outreach.
- The Council should establish a subbasin planning and budgeting process that fully recognizes the coordination, monitoring and evaluation, and operation and maintenance needs associated with effective implementation.

Funding: The Council did not adopt a budget priorities framework in this phase of the program revision process as recommended by the Fisheries Service. The Council stated a general set of funding principles and priorities, focused on Bonneville meeting all of its fish and wildlife obligations, as promised in the 1998 funding principles; on considering the degree of impact caused by the federally operated hydrosystem when determining provincial budget levels; and on maintaining the current level of support for the resident fish and wildlife programs pending a new budget allocation formula following subbasin planning. The Council agrees with the Fisheries Service that the revised program framework, grounded in subbasin planning framed by higher-level objectives, provides an overall basis for making budget allocation decisions, that the subbasin plans themselves should be the basis for allocating funding within the subbasins, and that the Council will need to state additional principles based in the basin-level and province-level objectives to provide more reasoned guidance for determining the appropriate budget levels for the subbasins and provinces. But the Council decided that a meaningful final determination of what should be the annual budget commitment as well as the appropriate basis for the allocation of the budget needs to be reserved for a later phase of the program amendment process, when the funding needs will be much better informed by the subbasin assessments, subbasin plans and whatever province-level and additional basin-level biological objectives have been established. Section VI.A.4.

Source: Yakama Nation
Recommendation No. 24

Recommendation: The Yakama Nation recommended that no project should be funded over the next five years that does not directly relate to a watershed function that leads to a restored ecosystem. The downriver watershed groups should be constrained from activities that do not bear directly on the restoration of healthy ecosystems that promote salmon and related indigenous species (e.g. lamprey,

sturgeon, etc.) recovery. This may seem harsh, as the Power Act clearly allows for other mitigation strategies. However, the region must devote all of its collective energies over the next five years to produce fish in the rivers or the program will wither and die and the salmon resource will be a thing of the past. The program should dedicate the next five years to acquiring by lease, purchase, or easement every acre on every salmon stream possible where the opportunity exists to reconnect a river with a missing normative ecosystem function. This is clearly an area where Bonneville must be encouraged to provide additional funds into the direct program, at least a \$50,000,000 per year effort over the next five years.

Funding: The Council did not require that only projects directly related to watershed functions be funded. As the Yakama Nation noted, the Power Act and thus the program has a broader mitigation responsibility and focus than just watershed restoration activities. The Council could not adopt the recommendation and be consistent with its legal obligations. On the other hand, the Council did adopt provisions consistent with this recommendation strongly emphasizing that this is to be a habitat-based program focused on protecting and restoring habitat conditions and ecological functions, calling for the establishment of a substantial land and water acquisition fund, and a high priority project initiative aimed at watershed habitat work.

Source:	Montana Fish, Wildlife and Parks
Recommendation No.	31
Source:	Colville Confederated Tribes
Recommendation No.	33
Source:	Burns-Paiute Tribe
Recommendation No.	34
Source:	Shoshone-Bannock Tribes
Recommendation No.	38
Source:	Washington Department of Fish and Wildlife
Recommendation No.	43

Recommendation: These fish and wildlife agencies and tribes recommended that the Council rely on the fish and wildlife managers for recommendations to the Council for how to divide the funds to implement adopted subbasin plans or subbasin summaries among the programmatic budget categories and among the subbasins. The Council should seek public comment on the recommendations and then adopt a budget allocation recommendation to guide subbasin planning and Bonneville funding decisions.

Finding: Consistent with this recommendation, the Council adopted provisions anticipating that the fish and wildlife managers will continue to play a significant part in developing draft annual implementation work plans, which is one source of recommendations for the allocation of the available funds. Section VI.A.2.c. The Council does not interpret this recommendation to mean that the fish and wildlife managers are to be the only source of recommendations for how to divide funds, nor that the way in which the fish and wildlife managers would derive their allocation recommendations would not be guided by principles and priorities stated in the program. Also, the Council did not include provisions that mandate or freeze any particular form for collective action by the fish and wildlife managers. As the program shifts more of its implementation emphasis to specific geographic areas, through subbasin planning and province-based, in depth project reviews, the Council and the fish and wildlife managers may need to review and reorganize how the fish and wildlife managers participate in project review and funding recommendations.

The Council is reserving until a later phase of the program amendment process the determination of what should be the annual budget commitment as well as the appropriate basis for the allocation of the

budget needs, when the funding needs will be much better informed by the subbasin assessments, subbasin plans and whatever province-level and additional basin-level biological objectives have been established. Section VI.A.4.

Source: Colville Confederated Tribes
Recommendation No. 33
Source: Spokane Tribe
Recommendation No. 28

Recommendation: The Colville Tribes recommended that when allocating funds to resident fish projects:

- Accord highest priority to rebuilding to sustainable levels weak, but recoverable, native populations injured by the hydropower system.
- Accord highest priority for resident fish in areas that previously had anadromous fish, but where anadromous fish access is now permanently blocked by federally operated or regulated hydropower development.

The Spokane Tribe similarly recommended that within resident fish projects, the program should continue to accord highest priority to rebuilding to sustainable levels weak, but recoverable, native populations injured by the hydropower system, when such populations are identified by the fishery managers; then to resident fish substitution measures in areas that previously had salmon and steelhead, but where anadromous fish are now blocked by federally operated hydropower development. Because these losses have endured mostly unmitigated for more than 50 years, and because in-kind mitigation cannot occur, the program should state that in any project ranking and selection process, projects satisfying these priorities be clearly distinguished from other projects. The distinction between these two highest priorities is a narrow one, applicable only to marginal choices among such projects.

Finding: The Council did not adopt the recommended statement of project funding priorities within resident fish projects, which would assign highest priority to projects intended to rebuild to sustainable levels weak but recoverable native populations and to resident fish substitution projects in the blocked areas. The Council included this project funding priority statement in the 1995 program, but decided not to retain it here. The Council maintained a general, across-the-program funding allocation that assures a significant portion of the fish and wildlife program funds will be used to address resident fish mitigation and substitution needs. Section VI.A.4. But specific funding allocations are to be determined based on the specific needs identified in subbasins and ecological provinces, consistent with the vision, biological objectives and strategies in the program.

Source: Spokane Tribe
Recommendation No. 28
Source: Coeur d'Alene Tribe
Recommendation No. 42
Source: Kalispel Tribe
Recommendation No. 48
Source: Kootenai Tribe
Recommendation No. 50

Recommendation: The Spokane Tribe recommended that the Council address the basin's longstanding inequity in mitigation and associated funding by placing a greater emphasis on and greater funding allocation for the fish and wildlife projects in the "blocked areas." Nearly 70 percent of all mitigation funding and projects in past programs have been concentrated within the mid-Columbia, lower Columbia and lower Snake River areas. Other areas of the region have suffered equal or greater hydropower losses to fish and wildlife. In particular, resident fish and wildlife mitigation has been sorely deficient in the upper Columbia storage reservoirs and their impacted areas, due to the program's historical imbalance in favor of lower basin anadromous fish runs. Both the biological losses and the cultural losses of the upper Columbia Tribes should be addressed more equitably with a greater emphasis on and greater funding allocation for the fish and wildlife projects needs in this area. If Bonneville does not keep its commitment to fund *all* needed fish and wildlife measures, the Spokane Tribe recommends that funding be prioritized to address the longstanding inequity in funding for the blocked areas, storage reservoirs and the upper Columbia River province.

The Coeur d'Alene Tribe similarly recommended that the Council adopt a program that makes a more substantive effort to protect, mitigate, and enhance resident fish and wildlife resources in a manner that is more comparable to the anadromous fish effort. The new program must not lose sight of the statutory obligation that the Power Act has established for mitigating and compensating impacts occurring in the upper Columbia River, as well as the other blocked areas of the Basin. It is imperative that the Council keep this in mind so that the new program does not become merely another anadromous fish recovery plan that fails to address upriver tribal and societal losses or one that chooses to address these resources as a "lower or secondary" priority. This principle must remain a very high priority in all decision making efforts, especially during resource allocation and accompanying prioritization efforts. The funding mechanisms within the existing program have continually failed to meet the protection, mitigation, and enhancement responsibilities in the upriver areas as well as Bonneville's trust obligations to the Coeur d'Alene Tribe.

These tribes then recommended the following funding allocation for the upper Columbia blocked area: The upper Columbia blocked area is the largest blocked area within the Basin. Considering the size and complexity of issues associated with the upper Columbia blocked area, the tribes recommended that a minimum of twenty percent or \$36 million, whichever is greater, of the direct program funds be allocated to the upper Columbia blocked area.

Finding: In the 1995 program amendments, the Council recognized that resident fish programs, including the substitution programs in the upper Columbia blocked area, had not been receiving sufficient resources. The Council thus adopted a provision recommending that not less than 15 percent of the Bonneville direct fish and wildlife budget be allocated to resident fish.

In this amendment process the Council concluded that the budget allocation provision had succeeded in bringing resources to an under-funded part of the program, and that the Council needed to continue to set a budget direction that made sure this part of the program received sufficient funding. The Council retained the provision that requires that at least a significant 15 percent portion of the budget go to resident fish. Sections III.C.2.a.2, VI.A.4. The Council concludes that this action is consistent in general with the substance of these recommendations. The Council did not adopt the specific budget allocation recommended for the upper Columbia blocked area. The Council concluded that a determination of the size and specific allocation of the direct program budget must be reserved for a later phase of the program amendment process when the project funding needs will be more greatly informed by subbasin planning. Section VI.A.4.

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville noted that in the current situation Bonneville must increase its focus on listed species and their critical habitat. Bonneville expects its base program dollars to be increasingly focused on ESA-listed species -- resident fish, anadromous fish, and wildlife, in blocked areas, mainstem, tributaries and the estuary. Bonneville expects to increase direct program funding to support additional measures found in the biological opinions' reasonable and prudent alternatives, but it also expects that existing funding for habitat will be increasingly focused on ESA-listed species through the subbasin assessment and planning process. Consequently, the program should fund projects, such as supplementation project, only when they either aid a listed species by supplementing that species directly or by providing other fisheries so listed species harvest rates can be reduced.

Finding: The Council did not adopt the recommendation to restrict the types of projects eligible for funding under the program to those related to listed species alone. The Council concluded that this would be inconsistent with the purposes and provisions of the Power Act. The Council has the same expectation that Bonneville has -- in the next few years, Bonneville's funding for projects to assist listed species will increase and become a major portion of Bonneville's direct program expenditures for off-site mitigation under the Power Act. But Bonneville has the substantive obligation of the Power Act to protect, mitigate and enhance fish and wildlife adversely affected by the development and operation of the hydrosystem, whether or not those fish or wildlife are listed under the Endangered Species Act. The Council has the same obligation when it develops the program. Projects that meet that obligation -- that mitigate for adverse effects to an important but not-listed fish or wildlife population in one part of the basin -- are as important a part of Bonneville's off-site mitigation obligation as addressing a listed population in another part of the basin. One substantive legal obligation does not trump the other.

Source: PNUCC
Recommendation No. 55

Recommendation: PNUCC recommended that because there are competing demands for the region's limited financial and human resources, the Council establish biological priorities based on the degree to which proposed management actions contribute to the accomplishment of the vision. These biological priorities will ensure that tradeoff decisions are based on sound science and that they are economically rational and efficient. Those actions that have the greatest biological benefits at the lowest cost should be implemented first. The Council should then make funding decisions that allocate available resources to individual projects and watersheds according to the program's established biological priorities.

Finding: The Council adopted provisions consistent with this recommendation. This recommendation describes how the Council understands the purpose and function of the revised program framework. Setting specific biological priorities consistent with the vision and the basinwide biological objectives should be part of subsequent phases of the program revision process.

6(b)(iii) “In-lieu” funding

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville noted that consistent with the Northwest Power Act, Bonneville is to use its fund to protect, mitigate, or enhance fish and wildlife to the extent affected by the development and operation of the federal Columbia River power system. Bonneville may do so as long as no other entity already has the authority or requirement pursuant to law or contract to make that expenditure. Power Act, §4(h)(10)(A). To ensure that projects recommended by the Council meet this legal standard, Bonneville proposes that between the project prioritization stage and Council’s approval stage, projects that may possibly violate the in-lieu funding prohibition be submitted to Bonneville for legal review. Bonneville would provide initial review within 10 days of a project’s submission. If Bonneville believes the project may violate the in lieu provision, Bonneville will provide a written explanation and work with the Council and the project proponent as needed to clarify the proposal and Bonneville’s decision. Types of proposals that might not meet the in-lieu criteria include: ecological assessments with scope beyond the Columbia Basin, mitigation for ecological impacts for which other federal or state government entities are responsible, habitat restoration activities which are part of a state or federal agency’s mission, and impacts caused by non-power Federal project users.

Finding: In describing the project selection process, the Council included a step in which Bonneville should review proposed projects and budgets “to ensure that regulatory needs, including compliance with applicable federal laws, are considered.” Section VI.A.3(4). A review of proposed projects for “in-lieu” concerns could be part of this review step, as recommended by Bonneville.

Source: Spokane Tribe
Recommendation No. 28
Source: Montana Fish, Wildlife and Parks
Recommendation No. 31
Source: Colville Confederated Tribes
Recommendation No. 33
Source: Idaho Department of Fish and Game
Recommendation No. 36

Recommendation: These fish and wildlife agencies and tribes recommended that the program should not impose on Bonneville the funding responsibilities of others, as prohibited by Section 4(h)(10)(A) of the Northwest Power Act.

Finding: This recommendation is a paraphrase of the “in lieu” funding prohibition in Section 4(h)(10)(A) of the Power Act. As with other legal obligations imposed by the Power Act, the Council did not see the need to repeat the specific provision in the program.

6(b)(iv) Funding for regional coordination

Source:	Spokane Tribe
Recommendation No.	28
Source:	Montana Fish, Wildlife and Parks
Recommendation No.	31
Source:	Colville Confederated Tribes
Recommendation No.	33
Source:	Burns-Paiute Tribe
Recommendation No.	34
Source:	Shoshone-Bannock Tribes
Recommendation No.	38
Source:	Coeur d'Alene Tribe
Recommendation No.	42
Source:	Washington Department of Fish and Wildlife
Recommendation No.	43
Source:	Kalispel Tribe
Recommendation No.	48
Source:	Kootenai Tribe
Recommendation No.	50

Recommendation: These fish and wildlife agencies and tribes recommended that Bonneville should make available to the managers funds for regional fish and wildlife management coordination. The objective of management coordination is to make timely, effective, and informed decisions regarding management of Columbia River fish and wildlife. This coordination would have two key aspects: (1) information management and (2) coordination of activities. The Spokane, Coeur d'Alene, Kootenai, Kalispel and Colville Tribes added that this funding for coordination should be "comparable to the funds available to the Council and Bonneville for regional fish and wildlife management coordination."

Finding: The program did not adopt any specific provisions for coordination funding as recommended. Implementation of the program has included making funds available to the fish and wildlife managers, directly and through CBFWA, to help coordinate fish and wildlife activities under the regional program. The amount of funding and the precise nature of the tasks funded should be defined in the project funding process.

6(c) Project review process

Source: Oregon Department of Fish and Wildlife
Recommendation No. 26

Recommendation: Oregon recommended that the annual project review required by the Power Act should be organized at the province level. The program should describe a sequence in which three or four of the eleven provinces will be reviewed during Fiscal Year 2001. Projects whose geographic scope includes more than one province, such as regional data management or research projects, should also be reviewed once every three years. For any particular area, this means review by the Independent Scientific Review Panel and Council funding recommendations covering three-year periods, rather than the single-year review and recommendations of the past.

The ISRP should review all projects proposed for the same subbasin together, using the subbasin plans to determine whether a proposed project addresses a critical management need and is consistent with the program. As part of its review, the ISRP should also meet with project sponsors and fish and wildlife managers to discuss projects and should visit project sites. Until subbasin plans are completed, the ISRP, Council, fish and wildlife managers, and project sponsors should work together to determine whether projects proposed for a particular subbasin implement the vision, biological objectives, and strategies established in the program and address critical management needs in the subbasin.

In summary, the general review process for a province should be as follows:

- the Council provides notice to the public that the fish and wildlife managers and ISRP will conduct a project review for a particular province;
- the Council solicits proposals for projects in subbasins included in the provincial review;
- when completed, the Council provides subbasin plans to the public, fish and wildlife managers, and ISRP for use in proposal preparation and the project review;
- proponents submit project proposals for consideration by the Council and review by the fish and wildlife managers and ISRP;
- the fish and wildlife managers and ISRP visit subbasins, receive presentations from project proponents, and discuss the proposals with project proponents;
- the fish and wildlife managers evaluate the management priority and technical merit of project proposals and submits their recommendations to the Council for projects to be funded by Bonneville;
- the ISRP evaluates the technical merit of project proposals and submits its evaluation to the Council;
- the Council conducts a public review of the fish and wildlife managers' recommendations and the ISRP's technical evaluation;
- the Council develops its draft recommendations for projects to be funded by Bonneville;
- the Council conducts a public review of its recommendations; and
- the Council submits its final recommendations to Bonneville.

To facilitate multi-year funding and contracting, the Council should require that projects identify specific objectives, tasks, deliverables, and costs. Bonneville and the Council should establish protocols to manage projects within their approved scope and funding authorizations or review projects, in a timely manner, when circumstances dictate a significant change in scope or funding needs. The Council and/or Bonneville should audit projects, as necessary to ensure that they are being managed within approved scope and funding authorizations.

Finding: The Council adopted provisions consistent with this recommendation. Sections VI.A.2-.3, A.6, III.D.9. One difference is that the program did not specify, as the recommendation did, that the fish and wildlife managers collectively conduct the project review for every province and collectively provide a priority assessment of the projects in any one area. The program recognizes the substantial role played by the fish and wildlife managers in sponsoring projects, reviewing projects and programs and providing recommendations, and providing a draft annual implementation work plan, and assumes that the substantive input of fish and wildlife agencies and tribes will continue to be part of the project review process. That may not always mean the fish and wildlife managers will collectively conduct the project review province in any particular area or that they will collectively pass on the projects in a particular subbasin or province. The Council described the parts of the process explicitly required by the statute; otherwise, precisely how the Council, Bonneville and the managers together decide to conduct the project review process could change over time.

Source: Washington Department of Fish and Wildlife
Recommendation No. 43

Recommendation: Washington recommended that the program have a clear description of a straightforward process by which the region makes decisions regarding fish and wildlife funding by Bonneville and other entities. This process must be based on existing legal authorities and spell out the roles of the involved parties. Once subbasin plans are adopted into the program, Bonneville should use the subbasin plans as the basis for funding fish and wildlife activities.

Finding: The Council adopted provisions consistent with this recommendation. Sections II.B-.D, V.A, VI.A.2-.3

Source: National Marine Fisheries Service
Recommendation No. 54

Recommendation: The Fisheries Service noted that the focus of the Council's review processes in the past has been on the merit of individual projects. With this amendment proceeding the Council should pursue development of broadly supported subbasin plans which will provide the context for specific mitigation and recovery actions within each subbasin. The program project review process should be based on subbasin planning. For the interim, where subbasin plans are not yet complete, rolling project review should utilize subbasin summaries and the high priority action criteria described below. The Independent Science Review Panel and the review process using the panel seem to be working well, and the Council should continue with it through project review and on into review of subbasin plans. In the event that high priority actions are identified through subbasin planning, recovery planning, or some other mechanism, the Council should develop an adaptive project review process so that high priority actions need not await the three-year rolling review process for review and funding approval.

Finding: The Council adopted provisions consistent with this recommendation. Sections II.B-.D, V.A, VI.A.2-.3, B.1, X.

Source: Columbia River Inter-Tribal Fish Commission
Recommendation No. 40

Recommendation: The Commission recommended that the annual project review required by the Power Act be administered at the province level. The program will describe a sequence in which three or four of the eleven provinces will be reviewed during Fiscal Year 2001. A separate group of projects that are systemwide in nature (or that at least transcend a single province), such as StreamNet or the smolt monitoring program, will always be reviewed once every three years. For any particular area, this means ISRP review and Council funding recommendations covering three-year periods, rather than the single-year review and recommendations of the past.

The nature of the review should shift once the subbasin plan program amendments are adopted. While the annual process will be *administered* by the Council at the province scale, the actual ISRP *project review* should focus at the subbasin scale. That is, the ISRP should review all of the projects proposed for a subbasin at the same time. Until the development of subbasin plans, the ISRP will evaluate whether projects proposed for a particular subbasin: (a) are based on sound science principles, (b) benefit fish and wildlife, and (c) have a clearly defined objective and outcome with provisions for monitoring and evaluation. Once subbasin plans are developed and adopted, including a demonstration that the subbasin plan implements the objectives at the basin and province levels, projects proposed for Bonneville funding would need to demonstrate to the Council in the rolling review that they are implementing those subbasin plans.

To facilitate multi-year funding and contracting, the Council will require projects to identify specific tasks, objectives, deliverables and associated costs. Bonneville and the Council will establish protocols to ensure that projects stay within their approved scope and funding authorizations. The Council and/or Bonneville may audit some or all of the projects annually to ensure that they are remaining within approved scope and funding authorizations.

In administering certain aspects of the Council's program, the co-managers have chosen to work through the processes of the Columbia Basin Fish and Wildlife Authority. Among other things, the co-managers develop an annual implementation workplan for activities in the Council's program. The workplan incorporates project priorities of the co-managers in terms of the available budget under the Bonneville fish and wildlife budget Memorandum of Agreement. Tasks necessary to carry out this work include:

- Assessment of current and future years' budget availability considering on-going and completed projects. The budget analysis primarily occurs at the "obligations" level of specificity, with monitoring of "accruals" through MOA processes.
- Budget recommendations for capital and expense portions of the Bonneville directly funded measures. Development of these recommendations generally requires review of individual project budgets for projects in question and decisions to sequence or delay implementation of measures.
- Recommendations of measures/program areas where proposals should be solicited for project implementation. These recommendations have been provided in an attempt to better structure the annual Bonneville funding cycle and streamline processes.
- Review of proposals submitted to Bonneville. Reviews include management review for consistency with federal, state, and tribal policies affecting the acceptability of proposals, independent peer review, and budget review. The quality of review is limited due to the volume of proposals and lack of clear delineation of responsibilities among major institutions.
- Peer review among co-managers of projects in certain subject matters areas, for example, predator control and dissolved gas monitoring.

- Implementation or coordination of major programmatic efforts such as predator control, smolt passage monitoring and coded wire tagging programs.

The 1996 amendment to the Power Act defined the scope of the ISRP's authority and duty by identifying the specific "determinations" that it shall make. The ISRP's scope of review is tied to discreet "projects" that have been submitted by others, primarily the implementing managers. The language of the amendment, and the legislative history identifies a relatively limited role for the ISRP in the annual "program/project funding process."

The statutory scheme established the ISRP to act as "check" on the scientific principles serving as foundations for projects proposed for funding by the managers, and as a "balance" to ensure that the political and legal foundations for projects proposed for funding by the managers do not unreasonably eclipse the "science." This check and balance was created to remove any perception that a "conflict of interest" is inherent in a funding process that has those with jurisdiction to implement the projects "establishing the baseline."

The statute directs the ISRP to "review projects proposed to be funded" -- not to craft or to propose its own projects. In addition, the "list of prioritized project language" recognizes the existing "prioritization process" employed by the implementing managers. The notion that the ISRP has the legal authority to "set the baseline" by unilaterally developing projects is inconsistent with the fact that the ISRP must look at only a "sufficient number of projects" in making a consistency determination. The statute does not make the ISRP's input the centerpiece of the funding process.

Others in the region have taken exception to the position that the statute provides a limited role for the ISRP. They often confuse the tribes' efforts to point out what the ISRP is directed to do under the statute as an attempt to restrain what these scientists do, or may be asked to do, when they sit as the Independent Scientific Advisory Board (ISAB). It is possible that this confusion is a product of the considerable overlap of membership in the ISRP and ISAB. Also confusing the matter is the connection of the ISAB to the ISG, and its Return to the River exercise. The tribes believe that those who resist the more regimented role for the ISRP in the direct program funding process detailed in the amendment fail to recognize the distinctness of the ISRP, ISAB, and ISG and the apparent desire of the members on those panels to continue the ISG's "Return to the River" exercise. While the members may be the same, the purpose and charge of each of those "institutions" is very different.

The tribes' position that the ISRP acting under the amendment has a limited "check and balance" purpose, and their review standards are limited to those identified in the statute is not inconsistent with, and does not preclude, use of the ISRP and/or the ISAB to do more expansive review or analysis of fish and wildlife restoration in the basin. The tribes have supported this in the MOA Annex. If the scientists who constitute these bodies were able to spend more resources outside of the direct program box on "ISAB type" activities sanctioned by the region as contemplated in the MOA, their efforts would be more productive. This is the basis upon which the tribes have proposed the formation of a Columbia Basin Science Institute.

In summary, the role of the ISRP is limited when it acts under the amendment. If it is possible to agree that the ISRP has a limited role when acting pursuant to the amendment, it may be possible to develop both "criteria", and a more definitive ISRP project funding review process using the statutory language as the foundation. For example, "sound science principle determinations" may be made based upon application of the project to a known set of "criteria" (and so on for the other statutorily required "determinations"). A more definitive process would also alleviate actual or perceived inequality of treatment of certain project types, and may be a means to direct the review focus to key areas agreed upon by the relevant parties.

Finding: The Council adopted provisions consistent with the way this recommendation described the shift in the project review process to the rolling provincial review, the role of subbasin plans, the statutory standards for the ISRP's review, and the project information and review requirements that will facilitate multi-year funding and contracting and improved program management. Sections VI.A.2-3, A.6, III.D.9.

In addition, the program recognized that the fish and wildlife managers, through the Columbia Basin Fish and Wildlife Authority, currently develop a draft annual program implementation work plan from the projects proposed for funding. This draft annual work plan is the culmination of a technical and management review of proposed projects, and it proposes an annual budget and project priorities. The ISRP and the Council review the projects proposed for funding in the context of the managers' draft work plan. The Council anticipates that the fish and wildlife managers may continue to organize themselves and collectively provide these recommendations in the work plan to the Council. But the Council also stated that with the program's focus on subbasin plans as the guiding documents for program implementation, it will be critical that the fish and wildlife managers involve others in the subbasins -- stakeholders, land owners and managers, other state and federal agencies, and other interested parties -- in the development of draft work plans proposed for funding if the Council is to be able to continue using these work plan recommendations as the foundation for the Council's project recommendations. Section VI.A.2.c

Finally, the Council adopted provisions describing the Independent Scientific Review Panel, its statutory role and review standards, and the difference between the ISRP's function and the ISAB's. Sections VI.A.2.a, A.3, B. What the Council adopted is consistent with the substance of the Commission's recommendation concerning the ISRP, although the Council differs with the Commission's emphasis as to how "limited" that role is, and the Council recognizes that in certain situations, part of the ISRP's assessment as to whether a package of projects is consistent with the program may appropriately involve identifying gaps in program implementation and a recommendation that a new project be created to address the gap.

Source:	Spokane Tribe
Recommendation No.	28
Source:	Columbia River Inter-Tribal Fish Commission
Recommendation No.	40

Recommendation: The Spokane Tribe and the Commission recommended that the program make clear that the project review process applies not only to the Bonneville-funded direct program projects, but also to the reimbursables and capital expenditures, including the Corps' fish mitigation capital program and the reimbursable hatchery expenses incurred by the federal agencies. The sponsors of these projects, such as the Corps of Engineers and the Fish and Wildlife Service, will be asked to submit their projects for review in the appropriate province review and to relate their projects to the relevant vision, objectives and standards in the program and, where appropriate, to adopted subbasin plans.

Finding: The Council adopted provisions consistent with the recommendation. Sections VI.A.2, B.1.

Source: Spokane Tribe
Recommendation No. 28

Recommendation: The Spokane Tribe recommended that the Council's fish and wildlife program constitute the major portion of Bonneville's direct fish and wildlife budget. Only Bonneville's own internal fish and wildlife management expenses and the fish and wildlife measures funded directly to the federal managers for ESA compliance should be outside the Council's program review and budget, and even these expenses should be subjected to the same review process. In particular, the federal ESA activities should be subjected to the review process so that they and the program's elements can be conformed to achieve maximum efficiency in species recovery.

Finding: This was more a recommendation to Bonneville for how it should use its fund for direct expenditures on fish and wildlife than a recommendation for the Council's program. The Council disagrees with one premise in the recommendation -- that Bonneville's direct expenditures for "ESA compliance" are "outside" of the program -- but agrees with the primary conclusion or recommendation that these projects should be part of the standard review process. Bonneville's source of authority to use its fund for off-site mitigation to address fish and wildlife problems caused by the hydrosystem is based in Section 4(h) of the Power Act, and Bonneville must use this authority "in a manner consistent with the program." Biological opinions that call for Bonneville to conduct its off-site mitigation programs in such a way as to help Bonneville avoid jeopardy to listed species are piggy-backing on and providing additional substantive standards and requirements for that off-site mitigation program. But any such activities are still based in the same off-site mitigation authority, which must be conducted in a manner consistent with the program. This makes the ESA compliance requirements for off-site mitigation part of program implementation, a process that also includes the project review requirements of Section 4(h)(10)(D).

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville noted that in 1995, Bonneville and the Council agreed to establish a public process to recommend projects for funding by Bonneville. In 1996, the Secretaries of Energy, Commerce, Interior, and Army, on the behalf of Bonneville and involved federal agencies, and in consultation with the Council and the tribes, signed a Memorandum of Agreement (MOA) concerning Bonneville's budget commitment to fish and wildlife funding. The MOA incorporated specific procedures for agency and tribal recommendations to the Council and the initiation of independent scientific review of project proposals. The Congress subsequently amended the Northwest Power Act to formalize the Council's process for recommending projects for Bonneville funding and to require independent scientific review and public comment.

With this regional process in place, the Council and Bonneville have turned attention to improving the program's standards for management and accounting of project investments. Following an independent review of the program's management practices, Bonneville has initiated the adoption of specific policies and procedures for project implementation. The goal of these practices is to improve the fiscal accountability and reporting of program investments as well as to establish a base of analysis for reporting project spending and determining future needs.

These practices need to begin with the Council's project selection process when projects are first proposed. They need to carry through the steps of budget approval, contracting, and progress reports and project completion. These practices need to be supported by regular regional review and decision making

and mechanisms to constructively air and resolve disputes. These proposed amendments are intended to incorporate improved financial management practices into the standards of the program.

The Council shall require project sponsors to propose projects for funding with separate budgets as appropriate for planning and design, construction and other implementation, monitoring and evaluation, and operation and maintenance. The work proposed in each of the phases should be defined by objectives with sufficient description of the associated tasks to define subsequent contract schedules and deliverables.

Prior to the beginning of each Fiscal Year, the Council shall recommend to Bonneville a specific budget for each project recommended for funding in the year. The Council's budget recommendations shall define separate budgets for the project phases defined by the project sponsors. The Council's start-of-year budget shall reconcile the use of funds committed to projects in previous budget but that remain unspent. The Council shall recommend whether such funds should remain available to the project budget or should be reallocated to other budget line items. The Council shall also define initial amounts to be maintained in any budget line items not allocated to specific projects. The Council shall define in its guidance letter the terms for allocating funds from these budget line items to specific projects during the fiscal year.

Bonneville shall review the Council's budget recommendations once adopted. Bonneville will notify the Council of any discrepancies in funds available to projects, either individually or in total. The Council and Bonneville shall schedule an initial review to discuss any such discrepancies or remaining questions about initial funding assumptions. The Council shall seek the recommendations of the fish and wildlife managers concerning these issues and then develop its own recommendations to Bonneville to resolve these issues.

Scientific review of projects by the Independent Scientific Review Panel since the inception of the fish and wildlife budget MOA has strengthened the credibility of projects recommended by the Council and funded by Bonneville. Continue rigorous review of the criteria for the selection of projects and the projects themselves, both early action and those reviewed on a rolling basis during the Council's project review process, to help ensure that the most sound, scientifically based projects are chosen for ratepayer funding. Projects recommended by USFWS and NMFS for ESA compliance by Bonneville may also be reviewed for their scientific merit prior to implementation.

The Council needs to include the opportunity for programmatic as well as site-specific project recommendations in the Fish and Wildlife program. Where programmatic actions are to be recommended the Council needs to establish the overall goal and objectives and approximate review schedules. For example, within the next 10 years Bonneville will fund the planning, coordination, implementation and monitoring and evaluation actions that will complete the human intervention actions needed to set the stage for the Trout Creek Watershed to be restored to a normative river condition. It is anticipated that significant time will be required after the last habitat improvements are complete for natural processes to restore the watershed to normative conditions. A programmatic recommendation has the advantages of:

- establishing realistic context, goals, and objectives
- ensuring, to the extent practicable, that all components of the watershed are addressed in a rigorous and equitable manner (e.g. a systematic approach to identifying and implementing a suite of actions)
- enhancing funding flexibility and the opportunity to maximize leverage of Bonneville dollars
- enhancing the opportunity for local involvement
- enhancing the potential to measurably contribute to recovery of threatened and endangered species

- enhancing the opportunity to minimize operation and maintenance costs
- enhancing the opportunity to develop and implement an effective and practicable M&E program

Finding: The Council generally agrees with Bonneville's description of how the Council and Bonneville understand the project review and budget recommendation process. The Council did not adopt these detailed provisions into the program, but the Council did adopt more general provisions that outline the process and expectations consistent with this recommendation, Section VI.A.2-.3, .6, Section III.D.9, and will provide more of the detail in Technical Appendix C. The Council agrees with Bonneville about the value of programmatic recommendations. The Council has provided programmatic recommendations -- often organized around topic areas such as artificial production -- as part of its annual project funding recommendations since the current procedure began. With the re-organization of the program and the project review process focused on provinces and subbasins, biological objectives, and integrated subbasin plans, the potential increases for programmatic recommendations that integrate planning, on-the-ground activities extended over time, and monitoring and evaluation.

6(d) Program and project management

6(d)(i) Bonneville project contracting

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville noted that its staff, in coordination with the Columbia Basin Fish and Wildlife Authority (CBFWA), the Council, and others, has been developing draft policies and procedures for overall management of Bonneville-funded fish and wildlife projects. Bonneville has specifically focused on improving the contracting, tracking, reporting for results, budgeting and invoicing by task, and overall data management for fish and wildlife expenditures of ratepayer funds. Once these policies and procedures have been completely developed and shared, Bonneville will require full support from the Council and the Columbia River stakeholders to begin implementation of all Bonneville-funded fish and wildlife contracts consistent with these standards.

Bonneville recommended that the program acknowledge that Bonneville retains full authority for the selection of project contractors, establishing final budget obligations for projects, and setting terms and conditions for contract performance. In turn, Bonneville shall promptly notify the Council where proposed budgets or scopes of performance are significantly different from what was defined in the project selection process and the final Council recommended budget. Bonneville shall seek Council concurrence for committing funds to projects in excess of ten percent of the recommended project budget. In all such instances, the Council shall seek the recommendations of the fish and wildlife managers before making its own recommendations to Bonneville.

Bonneville may, from time to time, have reasons to propose an alternative contract to implement recommended projects. These reasons may be grounded in past performance of the intended contractor or the ability of the project sponsor to manage and account for project funds consistently with the practices defined in the program. In such instances, Bonneville will notify the Council of the reasons for such alternative implementation mechanisms and of its decision on how to proceed with contracting for project implementation.

Finding: The Council adopted provisions consistent with this recommendation, if more general. Section VI.A.6. Much of this recommendation is a description as to how Bonneville understands its functions and responsibilities and how Bonneville intends to act in program management. The Council agrees with that description, but did not see the need to add that description to the program itself.

Source: Columbia River Inter-Tribal Fish Commission
Recommendation No. 40

Recommendation: The Commission recommended that the Council retain Section 3.1C in the current program describing how Bonneville will contract and fund projects recommended by the Council to implement the program.

Finding: The Council did not retain section 3.1C. Part of what was in Section 3.1C has been superseded by the project review process described in Section VI.A.2-.4, developed in response to the 1996 Power Act amendment and the 1996 Bonneville fish and wildlife budget memorandum of agreement. Other parts of Section 3.1C are statements of project management and contracting that are

largely common sense descriptions that flow from the roles and responsibilities assigned to various entities in the Power Act and elsewhere. The Council does not disagree with these provisions, but it also decided on a consistent and fairly general level of detail for the basinwide principles and policies in the revised program. So, the Council adopted a few general but key strategies on project management, Section VI.A.6, that are not inconsistent with the old provisions of Section 3.1C. The Council will also describe additional details on how project management and contracting occurs under the program, in language that is part of the non-binding Technical Appendix C.

Source:	Spokane Tribe
Recommendation No.	28
Source:	Colville Confederated Tribes
Recommendation No.	33
Source:	Burns-Paiute Tribe
Recommendation No.	34
Source:	Shoshone-Bannock Tribes
Recommendation No.	38
Source:	Coeur d'Alene Tribe
Recommendation No.	42
Source:	Washington Department of Fish and Wildlife
Recommendation No.	43
Source:	Kalispel Tribe
Recommendation No.	48
Source:	Kootenai Tribe
Recommendation No.	50

Recommendation: These agencies and tribes recommended that Bonneville contract with the appropriate entities to implement the actions in the subbasin plans when those plans become part of the program. These projects should have a three-year scope-of-work and budget that follow the actions and budgets in the three-year implementation plans. Bonneville will review and renew the scope-of-work and budget annually.

Finding: The Council adopted provisions for subbasin planning, project review and project management consistent with these recommendations. Section V.A.1, V.A.5, VI.A.2, A.3, A.6.

Source:	Yakama Nation
Recommendation No.	24

Recommendation: The Yakama Nation recommended that many of the current programmatic functions would achieve great cost efficiencies and savings if multi-year front-loaded contracting were implemented. The current system of annual project solicitations and monthly cost reimbursable contracting generates excessive administrative costs in terms of both personnel time and paperwork processing requirements. Most importantly, the system's contract modification procedure is not flexible enough to accommodate timely changes in management functions that may occur on a normal basis throughout any given year. The Yakama Nation's Wetland and Riparian Restoration project is currently being recognized by Bonneville as a pilot project to test the project efficiencies and cost savings resulting from front-loaded contracting. This project was chosen by Bonneville because of its existing approved long-term management plan that clearly details annual project activities. As the program moves forward

into subbasin plans that detail every activity over a multi-year time frame, i.e. providing a multi-year work plan, Bonneville should adopt a multi-year front-loaded contracting approach to facilitate this process. This change in contracting procedure will result in huge cost savings complemented with operational efficiencies over the life of a project. The current Yakama Nation pilot project has demonstrated the positive results that can be realized with this approach.

Finding: The Council adopted provisions that will allow for multi-year funding and flexible and responsive contract management. The Council did not adopt provisions calling for front-loaded contracting, but did not adopt provisions opposing that process, either. This is a contracting matter largely within the management discretion of Bonneville and part of the on-going program management and implementation work of Bonneville in consultation with the Council and the project sponsors.

6(d)(ii) Project performance, financial and program reporting

Source: Bonneville Power Administration
Recommendation No. 37

Recommendation: Bonneville recommended that Bonneville define terms and conditions for project contracts that support timely and complete reporting by contractors of expenditures and progress towards defined project objectives. These requirements should ensure that project sponsors report expenditures and progress in enough detail to monitor performance of the specific tasks and objectives identified in the original project proposal as forwarded from the Council.

Bonneville shall maintain and improve dissemination of project performance and expenditure reports. The goal should be to make reports from project sponsors available on the World Wide Web as soon as possible after reports are received.

Bonneville shall ensure that project budget obligations are reconciled annually. This reconciliation shall include accounting by the project contractors of the actual expenditures by task of funds obligated to the project and a timely final billing for the year's work. The sponsor shall specifically identify any tasks remaining uncompleted that should be incorporated into the scope of work for the following year. Bonneville shall recommend the incorporation of such work with funds available to be "carried over" into the next fiscal year.

Plans and accomplishments of the program are to be reviewed every three to five years to ensure program consistency and orientation. Overall budgetary consistency is reviewed annually.

The Council needs to include the opportunity for programmatic as well as site-specific project recommendations in the fish and wildlife program. Where programmatic actions are to be recommended the Council needs to establish the overall goal and objectives and approximate review schedules. For example, within the next 10 years Bonneville will fund the planning, coordination, implementation and monitoring and evaluation actions that will complete the human intervention actions needed to set the stage for the Trout Creek Watershed to be restored to a normative river condition. It is anticipated that significant time will be required after the last habitat improvements are complete for natural processes to restore the watershed to normative conditions.

It is expected that Bonneville will use the model/focus watershed template developed regionally and agreed to by NMFS and the Council for consistency of data collection and analysis among basins. We also recognize the importance of ensuring local tribal, private, state, county and municipal involvement and participation in this program as well as including the participation of other federal agencies in this program. Further, it is expected that plans and accomplishments of the program are to be reviewed every three to five years to ensure program consistency and orientation. Budgetary consistency is reviewed annually.

Finding: The Council adopted provisions consistent with this recommendation, if more general. See Sections III.A.2, D.2, D.3, D.9, V, VI.A.5, A.6.

Source: Oregon Department of Fish and Wildlife
Recommendation No. 26

Recommendation: Oregon recommended that to facilitate multi-year funding and contracting, the Council should require that projects identify specific objectives, tasks, deliverables, and costs. Bonneville and the Council should establish protocols to manage projects within their approved scope and funding authorizations or review projects, in a timely manner, when circumstances dictate a significant change in scope or funding needs. The Council and/or Bonneville should audit projects as necessary to ensure that they are being managed within approved scope and funding authorizations.

Finding: The Council adopted provisions consistent with this recommendation. Section VI.A.6.

Source: Spokane Tribe
Recommendation No. 28

Source: Colville Confederated Tribes
Recommendation No. 33

Source: Burns-Paiute Tribe
Recommendation No. 34

Source: Shoshone-Bannock Tribes
Recommendation No. 38

Source: Coeur d'Alene Tribe
Recommendation No. 42

Source: Washington Department of Fish and Wildlife
Recommendation No. 43

Source: Kalispel Tribe
Recommendation No. 48

Source: Kootenai Tribe
Recommendation No. 50

Recommendation: These agencies and tribes recommended that CBFWA annually evaluate the results from projects and compile a report on program accomplishments. The project results will also be used by the core members of the subbasin teams to update and improve the subbasin plans as necessary prior to their Council review every three years.

Finding: The Council adopted provisions consistent with these recommendations, but did not assign or limit the annual evaluation specifically to CBFWA. The program calls for regular reporting of project monitoring and evaluation results, Sections III.D.9, VI.A.6, for monitoring and evaluation of results as part of subbasin plans, to be used to help update plans as needed, Sections III.D.9, V.A.1, A.5, and for Bonneville and the fish and wildlife managers to work with the Council on an annual report on the program, Section VI.A.7. The Council also called for the further development, with the fish and wildlife managers and others, of a program-level monitoring and evaluation plan, Section III.D.9.

Source: Washington Department of Fish and Wildlife
Recommendation No. 43

Recommendation: Washington recommended that the Council produce an annual report that inventories total expenditures of all programs in each of the 4-H areas in each subbasin and identifies basin-wide issues that, through better coordination, could accelerate fish and wildlife restoration.

Finding: The Council adopted provisions consistent with this recommendation. Section VI.A.7.

Source: Hiram Li -- Oregon Cooperative Fish and Wildlife Research Unit
Recommendation No. 16

Recommendation: Mr. Li recommended that management/research groups be required to publish the results of their management activities. If a group is not getting the job done or has no time for analysis, that speaks of failure and their activities should be phased out.

Finding: The Council adopted provisions calling for the reporting and wide dissemination of management and research results. Sections III.D.9, VI.A.6.

6(e) Coordination of activities within the program and with other programs

Source: National Marine Fisheries Service
Recommendation No. 54

Recommendation: The Fisheries Service recommended:

Coordination with federal and non-federal budget processes:

The Council should explore ways to coordinate program funding with federal and other non-federal budget processes. There are several active and potential federal and non-federal funding programs for salmonid conservation in the Columbia Basin, including USDA programs managed by the U.S. Forest Service, Natural Resources Conservation Service, and Farm Services Administration, the Environmental Protection Agency and numerous state programs. To be most effective at the basin level and the most user-friendly at the watershed level, these programs should be coordinated. Presently, they are typically implemented as independent programs.

Coordination of Council's province- and subbasin-level planning with ESA recovery planning:

The Council's program should address recovery needs for threatened and endangered salmon and steelhead to the greatest extent possible. Develop province-level visions and objectives that incorporate de-listing criteria for ESUs, complementing or coordinated with NMFS Recovery Planning process:

Under the Endangered Species Act, NMFS is responsible for developing detailed recovery plans for each ESU. NMFS intends to carry out this task in cooperation with other federal agencies, states, tribes and stakeholders and has already begun formal recovery planning for the upper Willamette and lower Columbia ESUs. Recovery plans set biological recovery goals (or de-listing criteria) and the specific actions needed to achieve those goals. The ESA also requires that recovery plans include an estimate of the cost of needed actions. NMFS has focused its efforts first on the technical tasks involved in recovery planning for salmon and steelhead. Completion of these tasks will aid planners in identifying and prioritizing actions that will provide the greatest returns.

The first technical task is to identify the populations that make up the ESU and describe the characteristics that would allow us to conclude the populations are viable. The characteristics include abundance, spatial structure and diversity across the whole ESU and within populations that comprise the ESU, minimum trends and productivity. The proposed methods for this technical task are described in a draft paper titled Viable Salmonid Populations and the Recovery of Evolutionarily Significant Units (ESUs), distributed in December, 1999. NMFS is referring to this method as VSP. Once populations are identified and described in this way, it is possible to construct different scenarios for recovery of the ESU in terms of number of populations, in what distribution and what level of abundance and productivity. It is likely that some populations will be identified as core populations, important to preserve regardless of the scenario chosen. The importance of other populations to overall recovery will vary across scenarios, but some of them at least will be needed in any scenario.

Another technical task is to identify factors limiting recovery. These factors are likely to differ among ESUs (for example, upriver ESUs will be more affected by hydropower operations than most lower river ESU. They may even differ among populations within an ESU (for example, a dam may block access to habitat for one population in an ESU, while urban development may be limiting the recovery of another). Technical experts can also assess habitat characteristics throughout the range of an ESU and identify those habitats that represent productive strongholds and those that could be strongholds if targeted for restoration.

In its formal recovery planning process in the upper Willamette and lower Columbia region, NMFS has appointed a Technical Recovery Team (TRT) and charged it with completing these technical tasks. In the upper Columbia, a NMFS-led science team worked with the mid-Columbia Public Utility Districts to begin the first two recovery tasks (identifying populations and abundance recovery goals for them). The Council's proposal to conduct subbasin assessments throughout the basin, could accomplish the technical task of assessing habitat.

With these processes in place, the task will still remain to set biological recovery goals for ESUs in the Snake River and for steelhead in the mid-Columbia region. NMFS is working with the Federal agencies, states, tribes, the Council and others to determine how best to accomplish this task.

Completion of these technical tasks throughout the basin will provide much of the information needed to develop a plan of action that will lead to recovery. NMFS recognizes that there are already a number of state and local processes in place working on local recovery plans. As it moves forward to develop recovery plans using this technical information, NMFS intends to rely on existing processes and institutions. The subbasin assessment and planning process proposed by the Council may well provide the organization and include the stakeholders in the interior Columbia basin that would enable NMFS to rely on this process to develop recovery plans. Subbasin plans would need to be "aggregated" to ensure they will provide for the recovery of the entire ESU. The Council's program is in a good position for this since the delineations of ecological provinces evaluated by the Council's framework are very close to the geographic delineations of ESUs. NMFS will continue to discuss these issues with all of the affected entities in the Basin. If appropriate, NMFS stands ready to appoint formal recovery teams to develop comprehensive plans for the listed ESUs.

Coordination with Biological Opinion actions and processes:

The details of how the action agencies will interface with the Council process in the development of their ESA implementation plans will not be prescribed in the 2000 FCRPS biological opinion, and additional discussion will be necessary once the biological opinion is released. The draft reasonable and prudent alternatives currently call for the action agencies to annually develop one and five-year implementation plans and associated budgets for activities they intend to undertake to meet the performance standards and objectives for listed species. NMFS intends that current regional planning processes be used to the maximum extent practicable to develop and coordinate these one and five-year plans. The Council should work with the action agencies (the Bonneville Power Administration, the Corps of Engineers, and the Bureau of Reclamation), NMFS, and the Fish and Wildlife Service to design the most efficient process to develop and integrate the Action Agencies' one and five-year ESA implementation plans with plans being developed under the program. Further, we recommend that the Council's final amendment reflect those understandings and/or agreements.

Once the implementation plans and their associated budgets are developed by the action agencies, NMFS and the USFWS will review them for consistency with the 2000 FCRPS biological opinion. Approved plans are expected to be implemented by the action agencies in their entirety, unless there are technical or feasibility impediments that cannot be reconciled or appropriations are not forthcoming from Congress.

With regard to hydro operations, NMFS will continue to use the "Regional Forum" structure established under the 1995-2000 FCRPS Biological Opinion to develop and review an annual water management plan, address real time operations, and to plan for and prioritize system fish passage needs, including operation and maintenance of those fish facilities. The Regional Forum is open to and encourages participation by the states, tribes, federal agencies, and others, including the Council.

Finding: The Council adopted provisions consistent with this recommendation, if more general, calling (a) for coordination and in some case joint sponsorship on annual and in-season hydrosystem operations and (b) for coordination and, where possible, integration of ESA requirements into subbasin planning, the establishment of subbasin and province-level objectives, and project review, funding recommendations and program budgets. Sections II.C, III.B.1, D.6, V.A.1, A.3-.6, VI.A, A.2-.5.

Source: Washington Department of Fish and Wildlife

Recommendation No. 43

Source: Washington Governor's Joint Natural Resources Cabinet

Recommendation No. 44

Recommendation: Washington recommended systematic coordination between the Council's fish and wildlife program and state-level salmon recovery efforts, both on the ground and at the policy level, as one of the larger challenges facing the region. Washington is concerned that unless there is coordination, there will be major confusion among local governments, citizens and tribes. In some cases of overlap, the state fish and wildlife managers will perform the necessary coordination role, on behalf of both the states and the Council. However, in other cases, the coordination roles have to be assumed by the state government as whole, organized through the Governor's office, and not a single agency. Washington encouraged the Council to work with the Governor's natural resources cabinet, which includes the Washington Department of Fish and Wildlife, in order to ensure that there is meaningful coordination between the Council's fish and wildlife program and the state's salmon recovery strategy. The Council has a responsibility to provide outreach and coordination efforts beyond the current efforts directed at fish and wildlife managers. The current Columbia Basin Forum does not meet this need, although it may provide an informal venue for development of solutions to this problem.

Washington also recommended that the Council meet further with state governments during the program development process to develop stronger linkages. The current Washington state "Balanced Scorecard" system for monitoring and reporting progress on salmon recovery actions provides an excellent example of a state-level process that must be supported by Council actions.

Initiate a program tracking coordination function to maintain a current inventory and description of all Council, federal, state, tribal, local and private fish and wildlife management programs in the Columbia Basin. This should also provide a clearinghouse function, providing advice and direction for fish and wildlife proposals to the various federal, regional, state, tribal and local agencies with funding responsibilities.

When establishing priorities, the fish and wildlife program should consider its projects within the context of the total efforts of all restoration programs. The program should focus efforts on providing those actions and functions that coordinate and enhance the effectiveness of other, less flexible, fish and wildlife restoration programs.

Finding: The Council adopted provisions committed to coordinating the fish and wildlife program activities with state salmon recovery and other fish and wildlife planning and implementation activities. It is the Council's position and assumption that the subbasin planning process, the centerpiece of the program for specific planning and implementation for off-site mitigation, will in fact build on and not ignore or duplicate the watershed planning and implementation efforts underway in the states. The state fish and wildlife agencies have a special role in the program under the Power Act, but the Council also recognizes that the nature and scale of fish and wildlife recovery in the tributaries implicates and requires the full participation of and coordination with state agencies and affected private entities well

beyond the fish and wildlife managers. Continued consultation and coordination with the state agencies and governors' offices will be critical as the Council continues the process of revising the program and incorporating subbasin plans. Sections II.C, V.A, A.2-.6, VI.A, A.5.

Source: Columbia River Inter-Tribal Fish Commission
Recommendation No. 40

Recommendation: The Commission recommended the following policies and strategies on coordination of the program activities within the program and with other fish and wildlife efforts and obligations in the basin:

Restoration funding under the Council's program should address in part the needs identified under the Endangered Species Act, the Clean Water Act, and the tribes' treaty rights. Achievement of the goals embodied by these federal legal obligations can only be met within the context of coordinated regional planning and funding. The goals will be achieved only within the principles identified in the framework, that is, with management and restoration of fish habitat flowing from a broader management of the watersheds that create the environmental template for that habitat.

Coordinated implementation, research, monitoring, and evaluation are accepted by nearly everyone as desirable features of all fish and wildlife restoration efforts, regardless of funding source or implementing entity. These features have been called for in previous fish and wildlife programs. Progress has been slow, however, in actually developing a high level of coordination among restoration efforts. The greatest progress has occurred when funding decisions were contingent upon developing coordinated efforts or agreements. When responsibilities have been vague or accountability lacking, coordination has often been weak or nonexistent. Having learned from experience, the Council, in this program, should be more specific in assigning responsibility for developing various aspects of a coordinated effort and in identifying consequences should coordination efforts fail.

An effective and efficient program requires coordination at both the policy and technical levels and an effective dialog between policy and technical groups. The following standards, strategies, and measures are designed to improve policy and technical coordination throughout this program.

Institutional and Programmatic Coordination

Fish and wildlife restoration activities are fragmented between many programs (e.g. Mitchell Act, LSRCF, FERC licensing requirements, ESA, etc.) conducted by many agencies (multiple agencies within each state, tribes, utility companies, multiple federal agencies). This creates the perception, and often the reality, of agencies working at cross purposes and wasting money on redundant activities. The Council's fish and wildlife program can be more effective if it coordinates and compliments existing programs and reduces the perception of redundancy. The following standards and strategies are intended to promote better coordination among programs:

Standards

- The fish and wildlife program will focus efforts on providing those actions and functions which coordinate and enhance the effectiveness of other, sometimes less flexible, fish and wildlife restoration programs.
- When establishing priorities, the fish and wildlife program will consider its projects within the context of the total efforts of all restoration programs.

Strategies

- Establish a program tracking coordinator who maintains a current inventory and description of all fish and wildlife management programs in the Columbia basin.
- Produce an annual report which a) inventories total expenditures of all programs in each of the 4-H areas in each subbasin, and b) identifies basin-wide issues which, through better coordination, could accelerate fish and wildlife restoration.
- Consult as a full Council on a quarterly basis with the directors of the fishery managing agencies, and on a government-to-government basis with the leadership of the Columbia River basin tribes. The Council expects the consultations will focus on program development, modification and implementation. In particular, efforts will be directed at expediting measures to improve the survival of the basin's anadromous fish, resident fish and wildlife populations and resolving any disputes that are hampering expeditious program implementation. As part of the consultations, the Council will also encourage the agencies and tribes to identify and resolve differences in their respective positions on Columbia River Basin fish and wildlife issues. The Council further expects regular contact will be maintained between the staffs of the Council and the agencies and tribes.
- Convene an annual workshop of tribal, federal, and state resource managers to identify and discuss options for improving coordination of restoration efforts

The Council's Strawman proposed that subbasin plans be coordinated with other regional subbasin planning efforts. It is unclear whether coordination will be mandated or left up to participant discretion. Further, it is unclear what will prevent planning efforts from being duplicated by other agencies. The inter-agency coordination efforts need to be more clearly spelled out so coordination is not up to the participant discretion. This paragraph of the Strawman says that "the Council aims to maximize coordination and cooperation and avoid duplication of these efforts" but does not suggest how this will be done.

Finding: The Council adopted provisions on coordination consistent with the substance of this recommendation, if more general. Coordination is intended to flow from a program with a substantive vision and objectives aimed not at particular activities, entities or fish and wildlife populations but at protecting and restoring ecological functions, river processes and habitat conditions. For subbasin and mainstem planning to work within this framework will require understanding, organizing, coordinating and integrating habitat objectives and activities in each subbasin, bringing together state and tribal watershed and salmon recovery efforts, ESA and Clean Water Act requirements, and so forth, and basing the plans in and building them out from existing assessments, plans and processes. Sections II.C, III.A.1, A.2, III.B.1, B.2, D.3, D.6, V.A.1, A.3-.6, VI.A, A.2-.5.

The Council did not provide the level of detail the Commission recommended on precisely how coordination will take place (although the program provides more on this subject than did the Strawman). As the Commission noted, coordinated implementation, research, monitoring, and evaluation are concepts everyone accepts and which have been called for in more or less detail in previous fish and wildlife programs, but have been difficult to bring to reality. The Council concluded that unilateral detail on coordination in the Council's program is largely ineffective and what is needed is the will on the part of the Council and others to make it actually happen. The key instead seemed to be to state the coordination needs and policies and then organize the substantive framework of the program in such a way that it will best succeed if mitigation and restoration activities are truly coordinated.

Source: Montana Fish, Wildlife and Parks
Recommendation No. 31

Recommendation: Montana recommended that subbasin plans provide fish and wildlife information for a variety of related planning processes. Examples include the U.S. Fish and Wildlife Service's and National Marine Fisheries Service's (NMFS) Endangered Species Act (ESA) recovery planning, land management and water quality planning and long-range Bonneville budget planning, in addition to the Council's project selection efforts.

Finding: The Council adopted provisions consistent with this recommendation. Sections II.C, V.A, A.2-.5, VI.A.6.

Source: Shoshone-Bannock Tribes
Recommendation No. 38

Recommendation: The Shoshone-Bannock Tribes noted that Section 4(h)(2)(C) of the Power Act allows for recommendations for the coordination and funding of fish and wildlife management to assist protection, mitigation, and enhancement efforts. The tribes recommended that the program include the following strategies and standards for achieving institutional and programmatic coordination:

Strategies

- Replace the Columbia Basin Forum with a program-tracking coordinator who maintains a current inventory and description of all fish and wildlife management programs in the Columbia basin.
- Produce an annual report which a) inventories total expenditures of all programs in each of the 4-H areas in each subbasin, and b) identifies basin-wide issues which, through better coordination, could accelerate fish and wildlife restoration.
- Convene an annual workshop of tribal, federal, and state resource managers to identify and discuss options for improving coordination of restoration efforts.

Standards

- The fish and wildlife program will focus efforts on providing those actions and functions that coordinate and enhance the effectiveness of other, less flexible, fish and wildlife restoration programs.
- When establishing priorities, the fish and wildlife program will consider its projects within the context of the total efforts of all restoration programs.

Finding: The Council adopted policies on coordination and reporting consistent with this recommendation. Sections III.D.9, V.A.4-.5, VI.A.5-.7. The Columbia Basin Forum is not a creation of the program or the Council and not within the authority of the program to establish or replace. The Council did not specifically call for a program tracking coordinator, but the very nature and form of the reorganized program will end up producing this inventory of existing management programs, as part of the subbasin planning process. The Council will be working with others to organize and provide access to this information. The Council did not call for an annual workshop on coordination -- this is a specific implementation detail to be discussed as part of program implementation.

Source: Spokane Tribe
Recommendation No. 28

Recommendation: The Spokane Tribe recommended that the Council allow for its program to be reconciled with the biological opinions of the Fish and Wildlife Service and the National Marine Fisheries Service when those opinions are issued.

Finding: The Council adopted provisions consistent with this recommendation, calling for consideration of and coordination with the hydrosystem operations aspects of the biological opinions and for coordination with and integration of the off-site mitigation aspects of ESA planning and implementation. Sections II.C, III.A, D.6, V.A, A.2-6, VI.A.6. Whether to align the program more closely with the specific objectives and measures in the biological opinions will be a subject for the subsequent mainstem and subbasin planning phases of the Council's program.

Source: Okanogan Nation Alliance and the Confederated Tribes of the Colville Reservation
Recommendation No. 51

Recommendation: The Okanogan Nation Alliance and the Colville Tribes noted that British Columbia's Columbia Basin Fish and Wildlife Program, the Columbia Basin Trust's Environment plan, the Council's Columbia River Basin Fish and Wildlife Program and the strategic salmon restoration plans of the individual Canadian and U.S. tribes and their Columbia River Inter-tribal Fisheries Commissions all contain examples of basinwide restoration programs. However, they lack the complete ecological and basin-wide vision to which we all aspire, and to which we the lead participants in the Okanogan watershed collaborations are dedicated.

In the future, it is clear that Canadian-U.S. collaboration could be beneficial in a system-wide context and as part of the long term vision for the basin. This would enable transboundary partners to develop fishery restoration programs aimed at joint policy development on methods and standards, on range extensions and introductions of anadromous salmonids, habitat restoration and protection and the operation of dams. And, in this joint planning effort the participants will be able to apply principles of ecosystem restoration and watershed planning as contemplated by the Council.

The Colville and Okanogan Tribes are committed to transboundary planning, and urge the Council to continue its historic work to protect, mitigate and enhance fish and wildlife upstream of and adversely affected by dam operations. Further, we encourage the Council to give priority to the establishment of formal transboundary model watershed plans. We also encourage the Council to support ecosystem-wide collaborations among agencies and their joint programs, and to influence parties on both sides of the border to seek collaborative solutions to the common challenges of the restoration of the Columbia Basin's fish and wildlife resources.

Finding: The Council called for the program activities and the subbasin planning process to coordinate with and integrate Canadian perspectives and programs, especially as concerns transboundary issues. Sections V.A, VI.A. 5.

Source: Natural Resources Conservation Service
Recommendation No. 10, 19, 20

Recommendation: The Natural Resources Conservation Service recommended that it be funded to work with the Oregon Conservation Partnership and the Idaho Conservation Partnership to assist in implementing the Council's fish and wildlife program, especially on private farm and ranch lands. The NRCS/Conservation Partnership planning process is based on a locally-led, voluntary system trusted by private land owners. The Natural Resources Conservation Service (NRCS) has provided technical assistance to private land users/owners for approximately 65 years. As a result of this working relationship, credibility and trust have been developed with these individuals and tribes. NRCS and the Partnership provide the best science available for habitat and watershed restoration with appropriate design standards to ensure quality service. Accountability is achieved through a web-based accountability system, performance indicators/results measurement system and other means.

Finding: The Council values the participation of the NRCS in the watershed and subbasin restoration efforts of the program. As funding decisions were not the subject of a program amendment process, the Council did not act on this recommendation.

Source: Washington State University -- Center for Reproductive Biology
Recommendation No. 12

Recommendation: The WSU center recommended that the Council utilize the universities as a resource for the program, especially in expanding the basic science and detail required to address the salmon restoration problem. Take advantage of the technical advances that occur in the university programs that provide leads and information for developing potential solutions. The WSU and University of Idaho Salmon Restoration Program can be a significant resource in the Council's program planning and implementation.

Finding: University scientists and programs already play a big role in the Council's program, through the independent science panels, program-funded research, and assistance to program participants in developing watershed restoration concepts and assessments. The Council did not adopt provisions specifically focused on the universities, but did adopt a number of provisions in which the continued participation of the universities will be important.

Source: Public Power Council
Recommendation No. 52

Recommendation: The Public Power Council recommended the establishment of a single governance body responsible for fish and wildlife activities in the Columbia Basin that balances fish and wildlife interests with social-economic and environmental interests. To the extent practical this should include or coordinate with all relevant institutions, including international entities. Establishment of the single governance body promises to be a difficult objective to achieve. While the region pursues that objective, it should adopt the alternate objective of achieving as much progress as possible within the existing governance structure. Success in this stage could lead to cooperation in succeeding stages of development and refinement of the fish and wildlife program. To be effective, this approach must involve high-level decisionmakers.

“Top down” decisionmaking is coordinated among federal agencies, states and tribes. “Bottom up” input is accepted as essential to implement management actions at the local watershed and subbasin levels. This means input from local residents and institutions is crucial to achieving habitat protection and improvement. Effective coordination among all relevant parties is necessary.

Finding: It is outside the authority of the Council to establish the governance body recommended. At most what the Council can do is call for maximum cooperation, coordination and integration of the basin’s fish and wildlife efforts. The subbasin planning process is conceived of as a possible vehicle to produce that result.

Source: Columbia River Alliance
Recommendation No. 39

Recommendation: The Alliance recommended that the Council assess the existing legal framework, jurisdiction by jurisdiction, to assess how its program fits into existing federal, state, tribal and private fish and wildlife protection efforts.

Finding: The Council is always mindful of its legal obligations and responsibilities and how those mesh with the activities and obligations of others, including the Power Act provisions requiring that the ratepayers be responsible only for mitigation that addresses the effects of the hydrosystem and that Bonneville provide funding for fish and wildlife activities in addition to, and not in lieu of, the activities funded under other authorities. However, the purpose or goal of the legal assessment recommended was not clear to the Council, nor what that would mean for program adoption. The Council did call, as noted above, for a substantial effort by the Council and others to coordinate and integrate the program with the fish and wildlife mitigation, protection and restoration efforts of others.

Source: Northwest Resource Information Center, Inc.
Recommendation No. 51

Recommendation: The Northwest Resource Information Center, Inc., stated that under the Power Act, the Corps of Engineers must manage, operate, or regulate the four lower Snake River dams in a way that takes the Council’s program into account “to the fullest extent practicable . . . at each relevant stage of [the] decisionmaking process.” The Council should require the Corps and all federal agencies to demonstrate their compliance or noncompliance with the above mandates in sufficient detail to provide for public and judicial review.

The Power Act confers on the Corps, Bonneville, National Marine Fisheries Service, and all other federal agencies, the duty -- independent of the Council’s program -- “to adequately protect, mitigate and enhance fish and wildlife, including related spawning grounds and habitat” affected by the dams “in a manner that provides equitable treatment” to anadromous fish. The Council require each relevant federal agency to develop within 90 days a mechanism by which it can demonstrate for meaningful review by decision makers, the public, and the courts, that it is providing anadromous fish “equitable treatment” “on a par” with other uses of the hydrosystem. This should include a risk analysis and management protocol that addresses all uses of the system. It should discuss the needs of each respective use of the system, the likelihood those needs will not be met, the factors that threaten or make it less likely that identified needs will not be met, and how each agency will perform its duties so that the risk a use’s needs will not be met is equitably apportioned among all major users (including at least irrigation, recreation, power,

navigation, fish and flows for fish, and meeting the federal government's special obligations to Indian tribes).

Finding: This recommendation is largely concerned not with how the Council develops the program, or the way the Council uses the authorities and responsibilities it has in implementing the program, but in the way the federal agencies live up to their responsibilities under Section 4(h)(11) of the Power Act. Those actions by the federal agencies are already subject to judicial review (as illustrated by the State of Montana's civil action in the late 1990s against the Corps of Engineers and Bureau of Reclamation, alleging a failure to comply with the Section 4(h)(11) requirement to take the program into account in deciding on operations at Hungry Horse and Libby dams, litigation in which the Council participated). Outside of Section 4(i) of the Power Act, which authorizes the Council to review the actions of the Bonneville Administrator from time to time, the Council has no specific statutory procedure to turn to and cannot require or force the federal agencies to follow any particular procedure to demonstrate compliance with the obligations of the Act directed at the federal agencies. The Council does have the informal political and public authority to oversee and question the activities of the federal agencies with regard to the program, an oversight function the Council exercises quite often.

Source: Bill Bosch
Recommendation No. 3

Recommendation: Mr. Bosch recommended that the region redirect federal Endangered Species Act (ESA) efforts. ESA has done its job in the Columbia River Basin -- it has sounded the loud and clear alarm that the health of the entire ecosystem is in jeopardy and it is time to act. Everybody has heard the alarm and most people are ready and willing to act (and in many cases are already acting). It is time for the federal government to back off into a monitoring, advisory, and funding role and let the people of the region proceed with implementing the necessary changes.

Finding: The Council does not have the authority to require the federal government to redirect the ESA efforts in the basin. But the Council does agree with the concept of a regional effort to address the ecosystem needs of fish and wildlife that can accommodate and address the objectives for listed species. That is how the Council envisions the integration of ESA requirements into the subbasin planning process and Bonneville off-site mitigation funding under the Council's program. Sections II.C, III.A.1, V, VI.5.

Source: Gordon Haas
Recommendation No. 15

Recommendation: Mr. Haas recommended that the Council include and accommodate the Canadian perspective and information into any decision-making protocols, as approximately one-third of the main Columbia River basin is in British Columbia, along with the headwaters of this great river. The best remaining habitat in the mainstem Columbia is arguably also in this Canadian portion, and the healthiest remaining sockeye salmon stock now spawns in Canada as well.

Finding: The Council adopted provisions calling for the program activities and subbasin planning process to coordinate with and integrate Canadian perspectives and programs. Sections V.A, VI.A. 5.