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CHAPTER 6 – GOVERNANCE

- **Defines some of the key issues, including fish and wildlife, surrounding the management of the Columbia River Basin.**
- **Describes the governance structures that have been tried in the past and that exist today.**
- **Proposes possible future governance models for fish and wildlife management in the Region and provides a methodology for analyzing them.**

Establishing a regionally acceptable governance structure is difficult. This chapter provides information that the Region may use to gain perspective on governance issues. The simplified model may offer a foundation for establishing an acceptable future structure for managing fish and wildlife in the Region.

6.1 GOVERNANCE AS AN ISSUE

Governance: *To direct or manage the public policy and affairs of rule.*
(Webster's II: New Riverside Dictionary, 1984)

*Note: The purpose of this EIS is to provide the reader with enough policy background (Chapter 2) and understanding of the alternatives and their environmental consequences (Chapters 3, 4, and 5) that an informed decision may be made about funding and implementing a coordinated fish and wildlife mitigation and recovery plan in the Basin. The actions of the Plan may then be implemented by any governing body. **The form that governance takes is less important to the outcome than the degree to which the governing parties are able to act in concert.** Because the choice of governance structure comes after the necessary decisions about the Plan, information on governance is placed after the chapters on the alternatives.*

For 180 days in 1997, the Council met to review Fish and Wildlife Governance Issues. They heard repeatedly that it seemed as though no one was "in charge" of Columbia River fish and wildlife policy. Some criticized—and still criticize today—the lack of a single entity with the comprehensive knowledge, insight, and authority to make long-term decisions regarding fish and wildlife issues. Others condemned—and still condemn—the dominant role of the federal government in regional fish and wildlife mitigation and recovery. These varied viewpoints reflect the complexity of the governance issue.

In fact, as discussed below and in Chapter 2 of this EIS, over the past several decades, the designation of who is "in charge" of the various aspects of fish and wildlife management in the Region has shifted constantly among federal and state agencies, courts, and other

entities. What is important to note, however, is that there has been no corresponding shift in environmental effects. The method of governance has no direct bearing on the environmental effects. The effects on the environment come when agencies, organizations, and individuals take *actions* on the ground, in the air, or in the water, regardless of whether they are following an overall plan or whether, as today, they are working under multiple plans and authorities.

Thus, the key element for governance is not the particular form that governance has taken or will take, but the level of commitment to work together as a cohesive unit. Success or failure will be determined, not by the structure used for governance, but by the degree of commitment of the involved parties to any plan. For example, many river-basin agreements have collapsed because the parties could not agree and/or commit to a single plan. Over time, these failures have led to independent and uncoordinated actions; the actions in turn have led to some of the troubles the Region faces today with its fish and wildlife mitigation and recovery efforts.

The entries below trace some of the major efforts to establish umbrella organizations to govern management of the Columbia River. They also show how the lack of ability to gain commitment affected the eventual outcome.

6.1.1 1937: The Columbia Valley Authority

In 1937, as Congress was debating how best to guide natural resource management in the Northwest, the Columbia Valley Authority (CVA) was proposed as a comprehensive federal plan to develop the Basin. The CVA would have inherited general jurisdiction over development for navigation, flood control, power generation, reclamation, and recreation in the Basin. It could have engaged in mining development and encouraged conservation of soils, forests, and rangeland. It also would have had the authority now exercised in the Basin by the USFWS. It would have been authorized to plan for "the unified development of the Columbia Valley region," including virtually all aspects of federal natural resource development and conservation.

However, because the proposal generated considerable opposition, it was abandoned in a 1937 compromise. Instead, BPA was created as a "temporary" entity to market the federal dams' energy output. Little or no attention was paid to other issues such as fish and wildlife management. The decisionmakers rejected a *centralized* approach to river governance, and favored a *decentralized* approach. Abandoning the idea of the CVA meant that individual federal agencies would continue to make decisions about those resources that had traditionally been under their jurisdictions. This policy of dividing control of resources continues to the present. The policy mirrors the development of the Northwest, where "discrete spheres of economic interest"¹ divided the natural resources of the Basin among them and sought to use these resources fully, without regard to how their activities might affect other resources.

¹ Lichatowich, J. 1999, p. 50.

6.1.2 Governance in the 1940s

By the 1940s, so many projects and players—federal, state, local, private—had an interest in "governing" the significantly altered river flows in the Pacific Northwest that harnessing their efforts as one team was beyond negotiation. That default policy already exhibited two major characteristics that form the basis of today's criticisms of river governance: control was primarily *federal* and it was *fragmented* (divided among several agencies—the "no one is in charge" problem).

Specifically, operation of the dams on the mainstem of the Columbia and Snake rivers was federal. Water diversions, especially from the tributaries, fell mainly under jurisdiction of the states and the Bureau. Private property rights were inextricably interspersed with public issues. The mix would later be further complicated by the international nature of the Columbia River (see Section 6.1.4, below).

6.1.3 1950: The Columbia River Compact

During this period of time, the states were also trying to work toward cooperative governance. They tried to form a Columbia River Compact that would coordinate interstate river governance. An interstate compact was first proposed in 1911 by Governor Oswald West of Oregon. Congress passed enabling legislation in 1925, the same year as the Rivers and Harbors Act. In 1943, the governors of Idaho, Montana, Oregon, Washington, and Wyoming formed the Northwest States Development Association, in part to evaluate potential for a water compact. The upswing in federal water development that followed World War II gave the idea new impetus. In 1949, several governors asked Washington's Governor Langlie to lead an effort to develop a compact. The compact commission met in 1950, beginning nearly two decades of active negotiations.

However, hydrology and politics posed formidable obstacles to agreement. Forty-four percent of the river flow originates in Canada. In the United States, 70% of the flow comes from headwater states (Idaho, Montana, Nevada, Utah, and Wyoming). Yet, during the early negotiations, 63% of the population was in the lower basin, in Oregon and Washington. Those who had water and those who needed it lived in different places and had different interests and points of view. The numbers themselves best illustrate the parties' positions (see Table 6.1-1 on the following page).

Under typical water compacts, water allocation is the central question. However, the proposed Compact raised more diverse issues, such as the allocation of electric power generated by the dams. The negotiations also addressed water allocation issues in the Snake River. At the time, the Columbia River was thought to have enough water that a specific allocation was not necessary. In the case of the Snake River, Idaho argued that downstream non-consumptive uses should be subordinated to upstream irrigation. The United States insisted on preventing upstream depletion in order to protect federal projects downstream.

Table 6.1-1: Distribution of Water Resources vs. Population

	Percent of Water	Percent of Population
Idaho	47.6	9.4
Montana	17.1	9.5
Washington	15.3	38.3
Oregon	12.9	24.5
Wyoming	6.1	4.0
Nevada	1.0	2.5
Utah	—	11.8

Source: Doerksen, H. "Columbia River Interstate Compact," quoted in A River in Common, Report to the Western Water Policy Review Advisory Commission (Volkman, 1997, p. 45).

6.1.4 1964: The Columbia River Treaty and the Coordination Agreement

Upstream complications were not limited to those within the borders of the United States. The 1964 Columbia River Treaty (between Canada and the United States), adopted for power and flood control purposes, committed the United States to coordinate internal hydro operations on the U.S. side of the border. Without coordination, full advantage could not be taken of the new storage created by the construction of three new dams (Mica, Duncan, and Keenleyside) on the northern portion of the Columbia River and of the U.S.'s Libby Dam on the Kootenai River.

The Corps, BPA, the Columbia River Treaty's U.S. Entity, and some of the Region's utilities entered into the Pacific Northwest Coordination Agreement (PNCA), which still governs power operations of the hydro system. The PNCA, built on 20 years of voluntary cooperation through the Northwest Power Pool,² was based on the concept that the Columbia River power system is both hydraulically and electrically connected, and that upstream storage operations therefore affect downstream generation. Coordinating these facilities as though they had a single owner would enable all parties to benefit more than if each were acting for its own account. This agreement enabled much greater power generation than before; however, it did not address navigation, recreation, irrigation, municipal use, or effects on fish and wildlife.

6.1.5 Governance in the 1960s and 1970s

With the development of the PNCA, most of the organizational arrangements for the Columbia and lower Snake river systems were in place. The fourteen federal dams in the Columbia and lower Snake rivers are called the FCRPS (Federal Columbia River Power System). The PNCA requires that operation of the non-federal dams controlled by various utilities be coordinated with FCRPS operations. Mechanisms to coordinate hydropower and flood control, navigation, and irrigation were hammered out over a period of many years.

² The Pacific Northwest Power Pool, formed during World War II; serves as a forum in the electrical industry for reliability and operational adequacy issues in the Northwest. The group promotes cooperation among its members in order to achieve reliable operation of the electrical power system, coordinate power system planning, and assist in transmission planning in the Northwest area.

Entering the 1970s, river management in the Basin was founded on optimizing power generation. With the completion of the dams, locks, and canals built during the 1930s, 1940s, and 1950s, the river also provided a good avenue for navigation, irrigation, and a significant measure of flood control. The limited governance focus was successful for these issues. At the same time, the "uncoordinated" approach—the dominant "every man for himself" basin economic policy for many years—worked well to reap economic benefits for many.

However, in the 1960s and 1970s increasing questions, concerns, and actions rose out of the environmental movement. The *US v. Oregon* decision (Belloni decision) affirmed the right of Columbia River treaty tribes to up to half of the salmon available for harvest. People became more informed, and more concerned, about the shortage of fish and other environmental effects arising from the policy of generating the maximum economic benefit from the Region's natural resources. From the perspective of the fish and wildlife resource, governance was uncoordinated, and resources were being depleted year after year without replacement—results of the fragmented, multiple-jurisdiction approach to natural resource management. The policies that had enabled commercial success were beginning to be perceived as taking an unacceptable toll on the environment.

6.1.6 Governance in the 1980s to the Present

Although the federal government retained a critical role in management of the Columbia River and its fish and wildlife resources, in the 1980s legislation and policies were enacted that attempted to provide for a shared approach to governance. As noted in Chapter 2, changes in the governance of the Columbia River were profound after Congress passed the Regional Act in 1980. The Act gave the Pacific Northwest states, Indian tribes, local governments, consumers, customers, users of the FCRPS, and the general public in the Region a greater role in Columbia River Basin decisions. The Act established the Council to facilitate cooperation among the states of Idaho, Montana, Oregon, and Washington. As members of the Council, the four states became the primary overseer of the Regional Act's planning provisions. But even with the assistance of this Act, the debates over governance have continued. Concerns over the multiple—and frequently conflicting—uses have increased. River governance has reached a point where veto has become commonplace, and consensus has often been unattainable.

6.1.7 Governance: Key Elements

Given the difficulties outlined above, the Region is taking a serious look at developing alternative—better—governance models. The next section (6.2) presents those models. The three basic concerns when governance is discussed are:

1. Is the model to be centralized or de-centralized?
2. Does decisionmaking rest with an individual person or organization or with group collaboration (such as a Board)?
3. Does the Region have control, or does control rest with others outside the Region?

These three questions have been the subject of many regional debates, which have so far failed to produce consensus. Because no one has been able to agree on the answers or the proper direction, these issues remain unresolved, and the parties fall back on today's governance structure—multiple plans and uncoordinated efforts. Today, the evolution of governance continues to be an issue throughout the Region, as multiple new models for the future are proposed. These models are described below.

6.2 FUTURE GOVERNANCE MODELS

The governance models described below have been "ranked" or evaluated with regard to the three distinct concerns discussed above:

- **Centralization:** the degree to which a model places the decisionmaking authority in a single entity.

A rating of "1" in this category means a single decisionmaking authority; a rating of "10" would represent multiple decisionmakers.

- **Coordination:** the degree to which a model allows for the contribution from interested parties in the Region (e.g., federal, state, and tribal governments; business groups; environmental organizations; etc.).

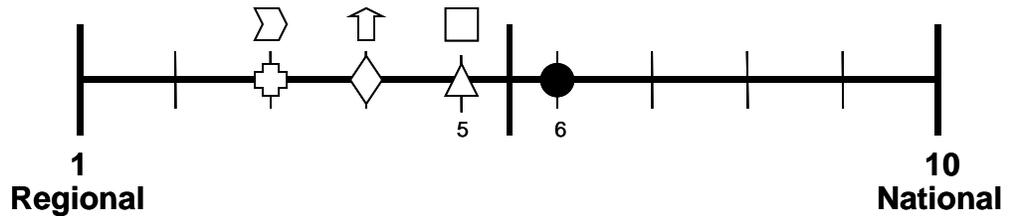
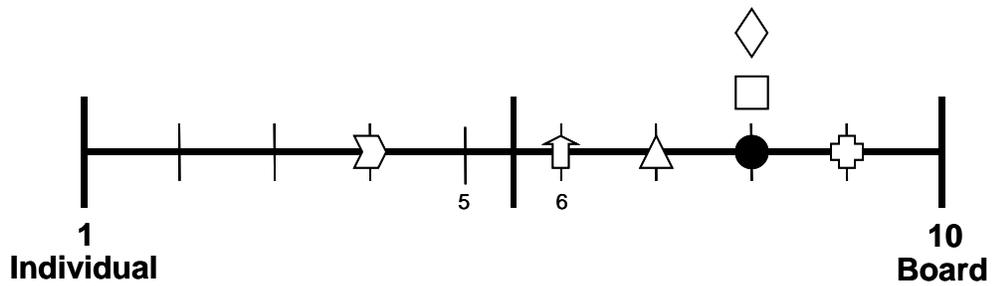
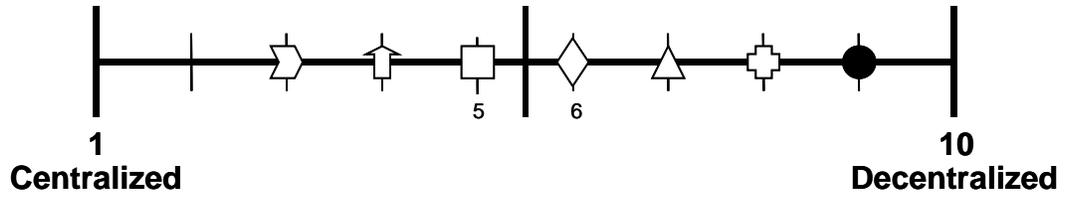
A "1" in this category would indicate absolute power in a single entity without any need to coordinate, while a "10" would represent decisionmaking only through complete agreement among all interested persons.

- **Regional Authority:** the extent to which a particular model limits decisionmaking to regional entities.

A "1" in this category would confine decisionmaking to in-region authorities, while a "10" would equate to all decisionmaking authority outside of the Region.

Figure 6-1 shows the different proposed models (Current Model, Columbia River Basin Forum, Power Council/Tribal Member, Regional Resources Council, Regional Resources Council plus Watershed Council, Regional Endangered Species Agency for Hydropower, and Comprehensive Agency for the River) and where they fall in a ranking based on the three concerns. Other models are certainly possible and may be considered, if an agreement can be reached and a plan established.

Figure 6-1: Evaluating Governance Models



- **Current Model**
- △ **Columbia River Basin Forum (formerly the Three Sovereigns)**
- **Power Council with Tribal Member**
- ◇ **Regional Resources Council**
- ⊕ **Regional Resources Council plus Watershed Council**
- ↑ **Regional Endangered Species Agency for Hydropower**
- ⤵ **Comprehensive Agency for the River**

6.2.1 Current Model

Ranking:	Centralization	9
	Coordination	8
	Regional	6

This model includes federal management of hydropower, flood control, navigation, and irrigation. The states manage permitting processes for water diversions from the river, instream flow programs in tributaries, and water quality pursuant to the CWA. The Council develops a program to mitigate the fish and wildlife effects of the federal dams. Indian tribes, many of which do not perceive that their interests are adequately protected in federal or state forums, have their own mitigation plans asserted in administrative, judicial, and legislative processes. Federal agencies consult with Indian tribes in a "government-to-government" process.

6.2.2 The Columbia River Basin Forum (formerly referred to as the "Three Sovereigns")

Ranking:	Centralization	7
	Coordination	7
	Regional	5

The "Three Sovereigns" refers to the federal government, state governments, and Northwest tribes. This proposal would provide a high-level policy forum in which federal, state, and tribal governments would address, collaborate on, and coordinate basin-level policy; planning, decisionmaking, and implementation issues; and processes that affect the Columbia River Basin ecosystem. Focus would be first on fish, then on other affected resources. Supported by a staff, state, federal, and tribal representatives would participate in a forum. Collaborative decisionmaking would be used for some major issues, and particularly those in which the "Three Sovereigns" jointly investigate, analyze, debate, create a decisionmaking record, and recommend a decision regarding an issue. This proposal would "equalize" the power of all participants and give credence to their joint recommendations.

The principals' forum would have four states, thirteen tribes and one federal representative, reflecting the principle that each entity is a sovereign and should, if possible, bring a single perspective to the policy table. However, as a practical matter, a smaller group more closely reflecting operational authority would implement policy. Thus, the operational work would be handled by a committee of four state, four federal, and four tribal representatives. This Model recognizes that government entities are charged with certain responsibilities by law and must discharge these responsibilities, regardless of whether they are consistent with the position taken by the single representative in the process.

6.2.2.1 Analysis of the Proposal

The Issue: The (implicit) issue that the former Three Sovereigns model tries to address is the lack of a forum in which federal, state, and tribal governments can (1) collaborate on terms of equality, and (2) unify federal, regional, and tribal fish and wildlife policies.

Existing forums are perceived as constraining participants to certain subjects, processes, decision rules, and decisionmakers that some parties mistrust. The Region now has multiple fish and wildlife mitigation and recovery plans that compete for attention and resources. The Basin has no unified policy to which everyone subscribes, and there is no single forum in which to try to bring these plans together.

Authority: The Three Sovereigns' process would confer no legal authority, but it would respond to its problem statement by equalizing the authority of all participants, at least within the Three Sovereigns process, and establishing a common commitment to finding joint solutions. The assumption is that shared information, process, and commitment to finding solutions will foster consensus. Once an issue leaves the Three Sovereigns' process, it would re-enter a legal arena in which parties and processes have disparate power and goals. However, the assumption is that if the Three Sovereigns agree on a recommendation, the recommendation will continue to carry significant weight.

6.2.3 Appoint Tribal Members to the Council; Use the Council Process to Address a Wider Range of Issues

Ranking:	Centralization	5
	Coordination	8
	Regional	5

The governors would appoint some tribal representatives as members of the Council, and the Council and its staff would support collaborative work on a broader range of issues touching the river than the Council currently addresses. This approach assumes that, with its existing authority, the Council can facilitate collaborative work on almost any river-related issue that its members agree to consider.

This model is essentially the same as the current model, except that tribal members would be directly appointed to the Council. This would increase regional coordination compared to the current model.

6.2.3.1 Analysis of the Proposal

The Issue: The alternative assumes that the primary issue with the existing Council is that it lacks members from tribes.

Authority: The alternative assumes that the existing Council authorities are sufficient to permit the Council to facilitate collaborative efforts on any key Columbia River Basin issue.

6.2.4 A Regional Resources Council

Ranking:	Centralization	6
	Coordination	8
	Regional	4

A new more broadly representative and authoritative council would be authorized to develop an integrated resource plan to offset the effects of hydropower facilities on anadromous fish, resident fish, and wildlife in the Columbia River Basin. This Resources Council plan would link and integrate fish and wildlife obligations, power system operations, energy conservation, and resource needs. There would be some number of state and tribal representatives; a super-majority vote would be required for major decisions; and there would be mandatory deadlines for action.

6.2.4.1 Analysis of the Proposal

The Issue: The new Resources Council model aims to fix problems in the Council's fish and wildlife process. The model asserts four issues with the existing Council:

- (1) although tribal recommendations play an important role in the process, the model lacks tribal representation, which can limit its effectiveness;
- (2) it lacks sufficient authority with regard to federal agencies;
- (3) the Council's program must be based on disparate recommendations of fish and wildlife agencies, tribes and others, which ensures a fragmented plan; and
- (4) the Council lacks the power to monitor and evaluate the results of its program.

Authority: All federal agencies (including NMFS, USFS, and others) would have obligations with regard to the Resources Council's plan. Currently, only the agencies that operate the hydropower system have such obligations. However, the Resources Council would retain the limitation in the Council's current authority: although federal agencies' actions must be consistent with the Resources Council plan, that plan would be implemented only if consistent with federal authorities. In this sense, the Resources Council would represent an incremental increase in authority vis-a-vis federal agencies.

The Resources Council would participate in federal agency consultations under the ESA, not supplanting existing federal agency authorities, but ensuring the Council an opportunity to assert a system-wide perspective in hydropower operations. The Resources Council would play a strong role in federal agency fish and wildlife budgeting.

The Resources Council would have greater autonomy in developing fish and wildlife policy, working from its own information and analysis—including independent scientific analysis—instead of from recommendations of fish and wildlife agencies and tribes. This would respond to Return to the River's criticism that the current system, which gives legal weight to disparate recommendations, fosters fragmented policy.

6.2.5 A Regional Resources Council plus Watershed Council

Ranking:	Centralization	8
	Coordination	9
	Regional	3

This proposal adopts many of the features of the Regional Resources Council Model, with the addition of a local "Watershed Council" to propose and approve local measures. This proposal would add another level of decisionmaking not present in any other models.

6.2.5.1 Analysis of the Proposal

This approach would focus decisions on watershed conditions and only incidentally on fish and wildlife species. In theory, healthy watersheds provide the conditions for healthy fish and wildlife populations.

Section 4(h) of the Regional Act would be amended to substitute the words "conserve and restore the biological productivity of natural watersheds," in lieu of "protect, mitigate and enhance fish and wildlife, including related spawning grounds and habitat." The program development guidelines in Section 4(h)(6) of the Act would be otherwise unchanged, as would the Act's requirement that the Council's Fish and Wildlife Program be designed to deal with the Columbia River and its tributaries as a system. The Resources Council would adopt a program to satisfy the revised purpose of the Act by identifying measures to protect and restore biological functions in watersheds, as measured by the biological needs of key species. The Resource Council's program would directly address the following: (1) conditions in the mainstem of the river; (2) artificial production policies, insofar as they raise issues that transcend individual watersheds; (3) standards to guide watershed planning; and (4) criteria for setting priorities for funding watershed actions. Watershed organizations would develop habitat, natural production, and other measures for individual watersheds. The Resources Council would establish membership and procedural standards for watershed organizations. Watershed groups satisfying these standards would submit proposals for planning funds to the Resources Council. After development and approval of watershed plans, implementation funds would be allocated consistent with the Resources Council's criteria.

The program would be designed to satisfy the habitat conservation plan requirements of Section 10 of the ESA, which exempts an activity from the prohibitions and requirements of the Act if and when an appropriate plan has been adopted and implemented. The Resources Council's program would be considered a systemwide habitat conservation plan. In the absence of a final Resources Council program, all provisions of the ESA would remain in effect. The ESA would not need to be amended.

Any of the approaches to independent scientific review could be applied to this program, but they would be focused on watershed functions rather than species effects *per se*.

Judicial review of Resources Council decisions would be available, and financing would be shared between hydropower revenues and federal appropriations in the same proportion as currently occurs now.

6.2.6 A Regional Endangered Species Agency for Hydropower

Ranking:	Centralization	4
	Coordination	6
	Regional	4

A Northwest Rivers Commission would be established "to protect and restore a healthy, sustainable Northwest fishery," particularly ESA-listed species. An advisory council would assist the Commission with subcommittees for river operations; fish resources and facilities management; fish harvest; agriculture and irrigation; and public land management. The Commission would assume most ESA functions, subject to approval by the President. The Commission would: determine whether proposed actions jeopardize listed species; develop recovery effort plans for ESA species; approve incidental take permits; and develop habitat conservation plans. The President would have the power to veto the Council's actions only if they are inconsistent with the ESA. The 10-person Commission would include two governor-appointed members from each state, and two tribal members appointed by Secretary of Interior. The pattern of representation—eight state and two tribal representatives—implies that state interests should be better represented in ESA decisions.

6.2.6.1 Analysis of the Proposal

The Issue: The primary issue with this approach is federal implementation of the ESA.

Authority: The approach would leave ultimate ESA decisionmaking authority with the President, but would authorize the Region to make judgments under the Act first. As such, it would give the Region significant participation in decisions on river operations, harvest, habitat, and hatchery operations.

6.2.7 A Comprehensive Agency for the River

Ranking:	Centralization	3
	Coordination	4
	Regional	3

This agency (a unified Commission) would develop and implement comprehensive long-term and annual plans for federal project operations, species conservation, and water quality and quantity. Integrated policies would cover management of federal (and federally licensed) water projects; interstate standards for water banking, conservation and related issues; mitigation planning for fish and wildlife affected by the waters of the system; and water quality for the Columbia River. This model sees the problem as the multi-government's fragmented approach to a hydrologically and ecologically integrated

and managed river system. The model would not tie Commission authorities to the current ESA, the Regional Act, the CWA, and other laws. Regardless of how these laws change, the river agency would manage the river in an integrated way to meet evolving needs.

Membership would be made up of the governors of the four states (or their designated alternates); one or more Presidentially-appointed federal representative(s); and tribal representatives. Determining the balance of state and tribal representation involves many of the considerations mentioned in connection with other models, with this difference: this model is broader than fish and wildlife and encompasses an evolving spectrum of interests in the river.

6.2.7.1 Analysis of the Proposal

The Issue: This model addresses the issue as not just fish and wildlife, hydropower, or the ESA. Rather, the issue is government's fragmented approach to a hydrologically and ecologically integrated river system. Although the river supports different uses and resources, each is affected by how the river is managed for any of the others.

Authority: The alternative is loosely modeled on the Delaware River Basin Commission, a federal-state compact with broad authority over water quality, quantity, reservoir operations, and development permitting. This model would adapt the Delaware model by bringing in species conservation issues.

The ESA and other federal laws (CWA, treaty obligations, etc.) would apply to the river agency as though it were a federal agency. The agency would not supplant NMFS, USFWS, EPA, and others, but would be required to consult with them to determine whether the river agency's plans and projects comply with applicable laws. Regardless of how these laws change, the river agency would manage the river in an integrated way to meet evolving needs. As an alternative: the river agency could "stand in the shoes" of NMFS, EPA, and other agencies, and assume their role as arbiters of compliance with the ESA, the CWA, and other laws.

6.2.8 General Governance Comments on the 5-Year Implementation Plan

In the summer of 2001, the 5-Year Implementation Plan³ prepared for implementation of the most recent BiOps was submitted to the public for comment. Many parties included suggestions that bear on the issue of future regional governance.

We have included, in tabular form, these general suggestions in this section of the EIS, so that future decisionmakers will have the benefit of these ideas when considering various governance options. Of course, as noted earlier, the key element for governance is not the particular *form* that governance will take, but *the level of commitment to work together as a cohesive unit*. Success or failure will be determined by the degree of commitment by the involved parties to any plan. Table 6.2-1 below, presents these

³ USDO/I/Bureau, Corps, and BPA 2001a.

comments, together with an identifying number so that the reader may locate these in the larger comment document prepared for the 5-Year Implementation Plan.

Table 6.2-1: General Governance Comments on the 5-Year Implementation Plan

Commenter	Comment
<p>Dirk Kempthorne, Governor of the State of Idaho</p>	<p>"Establish for each Basin State a committee, which will be chaired and led by the State, to assess the effects of mitigation actions on resident fish populations and to develop standards or affirmative measures to avoid unnecessary or unlawful harm to such populations."</p>
	<p>"Include representatives from the Basin States on the Technical Oversight and Data Support System Committees, or any other committee whose purpose includes risk-assessment evaluation of recovery options, and should adopt written procedures to ensure ongoing, iterative collaboration with the States in all aspects of the development and implementation of the Agencies' RM&E program."</p>
	<p>"Establish a committee for each Basin State, which will be chaired and led by the State, to review sources of funding that may be available for Columbia River Basin mitigation-related actions undertaken by nonfederal entities and to make recommendations concerning simplification or integration of funding mechanisms."</p>
	<p>"[Support] the ongoing harvest discussions/negotiations in <i>United States v. Oregon</i> [and use them] as a mechanism to augment further technical analysis on the effect of harvest activities and development of methods to minimize incidental take of listed fish."</p>
	<p>"Idaho questions how this balancing [of the needs of ESA listed anadromous fish and those of resident ESA listed fish like the Kootenai River Population of White Sturgeon] can be achieved under current law. If such balancing can be successfully achieved, the States must be on equal footing with the Federal Government. In formulating recovery measures, the Action Agencies must engage in affirmative Basinwide governmental and community outreach efforts to ensure affected interests are fully identified and considered. Goal 4 should acknowledge that the FCRPS and related conservation measures will be managed to prevent further listings of species, in addition to the existing language about balancing conservation measures."</p>
	<p>"Performance standards [in the Four Governors Plan] must be grounded in the best available science ... technically valid as a measure of the success of actions taken to achieve salmon recovery... [and] subject to peer review."</p>
	<p>"[Include] language in the introduction of Chapter 4 [Implementation Plan] providing for the creation of a performance-standards technical committee composed of federal, state, tribal, and public representatives that would have responsibility for assessing the preliminary standards' scientific integrity and recommending modifications."</p>
	<p>"[Include] language in the section 4 [Implementation Plan] introduction providing for the creation of a crediting-system technical committee composed of federal, state, tribal, landowner and public (e.g., environmental group) representatives to develop for recommendation to the Action Agencies a crediting system that is scientifically sound and consistent with the Agencies' limited off-site authority."</p>
	<p>"[Improve] coordination between NMFS and the NWPPC."⁴</p>

⁴ Note: This EIS uses "Council" as the acronym, rather than "NWPPC;" they refer to the same entity.

Commenter	Comment
	"Implement a decision-analysis structure that evaluates (a) the biological benefits and risks of alternative management options, (b) the risks attendant to scientific uncertainties associated with these options, and (c) the evidence supporting key alternative hypotheses, and then provides a framework for assessing alternatives to provide scientifically defensible advice to decision makers."
	"[Give states] the authority to prioritize ... actions in individual sub-basins using the NWPPC's subbasin planning approach ... on the state level."
	"Develop Snake Basin fall chinook plan with state, tribal, and federal parties."
	" <i>United States v. Oregon</i> -directed supplementation, as identified in Mountain Snake Provincial Review."
	"[Include] Idaho ... in the formulation of the RM&E Plan, including a role in the policy guidance to the [Technical Oversight Committees] States should play a role larger than just technical review of proposals and products."
	"[Identify] a process and standards for coordinating federal recovery planning and NWPPC subbasin planning."
	"[Integrate] ongoing instate natural production monitoring ... with basinwide recovery planning and evaluation."
State of Washington, Department of Fish and Wildlife	"Include coordination with Canada to improve the quality of water entering the FCRPS and [expedite] the installation of flow deflectors at Chief Joseph Dam and other facilities."
Northwest Power Planning Council	"The action agencies [should] fully engage in provincial review to propose, encourage, and help shape the projects that are proposed [in the Biological Opinion] to be responsive to the habitat Action Items and ... use the Council's documentation process to help show how [the action agencies] are addressing each Action Item."
John A. Kitzhaber, Governor of the State of Oregon	"The ... action agencies should describe whether, when and how the [Oregon Department of Fish and Wildlife's] recommendations will be addressed."
	"Communication efforts with the states and tribes [similar to the October 2, 2001, open Federal Caucus meeting] for 2003 [should] occur earlier in the process."
State of Oregon, Department of Fish and Wildlife	"[Develop and implement] an RM&E program ... collaboratively [with] federal, state, and tribal entities, and ... rely on independent scientific review for quality control."
	"[Include the states and tribes as] members of the RM&E Technical Oversight Committee and Data Management Technical Oversight Committee. ... Incorporate formal peer review in [the committees'] planning process ... by including independent scientific review."
	"Work with the states and tribes to define the types of RM&E actions we, as a region, agree are necessary for each level and management scale."
Spokane Tribe of Indians	"[Carefully observe] the separation between the NWPPC's Program and ESA Implementation Ensure that the NWPPC's Program – and associated budget – are not reduced to being mechanisms for review and approval of only ESA projects. The NWPPC Program must be adequately funded to meet non-ESA needs, particularly mitigation monies."
	"[Develop] draft plans ... <i>with</i> Tribes and States, <i>then</i> [release them] for public comment. ... [With regard to adaptive management, have] an established, repeating participatory process for federal, state and tribal input through the implementation period."

Fish and Wildlife Implementation Plan EIS
Chapter 6: Governance

Commenter	Comment
	"[Allow] flexibility to incorporate ... existing processes under the umbrella of a Three-Sovereigns-type policymaking body that offers full representation of the Basin's Federal, State, and Tribal governments. At this crucial time, the region cries out for leadership to collectively supervise the implementation of the BiOps, with ongoing policy-level reassessment over time."
Colville Confederated Tribes	"[Identify] the need to conduct trans-boundary coordination where appropriate, [such as in the Okanogan subbasin, which] is unique in that it crosses an international boundary."
	"[Identify a] mechanism ... to allow direct coordination with the Public Utility Districts of the Mid-Columbia."
	"[Coordinate] recovery efforts with Grant, Chelan, and Douglas County PUD's."
	"[Identify] a specific mechanism to effect coordination between the Action Agencies, local governments and interest groups, the Northwest Power Planning Council, and the Governor's Salmon Recovery Program."
Jan Castle	"[Forge] a creative partnership with other entities such as cities (Portland would be first on the list), environmental groups, churches and civic organizations ... to produce a powerful plan to reduce power use across the board."
Save Our Wild Salmon Coalition	"Address how the agencies expect to coordinate their efforts with those of state, tribal, and private landowners Incorporate a more thorough explanation of how the multi-level cooperation necessary for achieving the BiOp's goals will occur."
	"[Do not let the convenience of relying] on past and current planning processes and project solicitations ... [such as] the habitat and harvest priorities established in large part by non-ESA related regional efforts ... to outweigh the scientific determinations that must be made to assess which actions are the most crucial for species survival and recovery."
	"Propose a water plan for use in dry years, action, such as sliding scale that identifies where and when spill and flow augmentation should be initiated and increased, depending on the water year and other considerations such as the number and priority of fish in the river that would benefit from spill and power system reliability."
Upper Columbia Regional Fisheries Enhancement Group	"[Explicitly recognize] landowner-based restoration programs such as the Upper Columbia RFEG and the more general State-wide RFEG program ... in section 9.0 and subsection 9.5 Provide a mechanism that encourages and ensures willing participation of private landowners [Explicitly recognize] landowner-based restoration programs, such as [the WDFW's Regional Fisheries Enhancement Group's program] ... in section 9.0."
Maia E. Genaus	"[Include] FERC ... in the agencies involved."
	"[Include] all affected human parties in this process [in] a forum in which each affected human party can see all the other affected human parties, as well as the larger environmental picture."
Bernie A. Swift	"[Do not implement] the planned action ... strictly in conjunction with the ESA at the expense of farmers and the general public's needs for water and electricity."
WaterWatch of Oregon	"Require the immediate development of memorandums of agreements or understandings between federal agencies and state water resources agencies ... [to] aid federal and state water use enforcement programs that will protect and restore streamflows."

Commenter	Comment
Idaho Water Users Association	"[Allow] the ongoing mediation effort ... to run its course without additional complications or pressures. [Do not permanently acquire] flow augmentation water ... until the 'efficacy' of the flow targets at Lower Granite Dam is resolved."

It is important for the reader to remember that the governance structure lies behind and supports the overall makeup of the regional fish and wildlife policy being followed. Any governance structure and the people implementing it will have to keep in mind concerns for the following:

- natural environment;
- socioeconomics of the Region;
- differences in regional values among groups and individuals;
- legal parameters and limitations; and
- political pressures to act in certain ways.

However we as a Region choose to carry out our responsibility for public policy on fish and wildlife and determine the appropriate human intervention, we will need a governance structure to assure it is actually carried out. Any structure selected will need commitment of all parties to succeed.

➔ **See the Sample Implementation Actions, Volume 3, for more specific suggestions on possible actions for implementing a Policy Direction.**

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