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Northwest Power and Conservation Council
Attn: Kym Buzdygon, Director of Public Affairs
851 SW Sixth Avenue, Suite 1100
Portland, Oregon 97204

Submitted online at: https://projects.nwcouncil.org/program/comment_form

RE: Comments on the draft Fish and Wildlife Program

Dear Council Members and staff:

Columbia Riverkeeper and Idaho Rivers United submit these comments to the Northwest Power and Conservation Council (Council) regarding the draft 2026 Fish and Wildlife Program (2026 Program). Columbia Riverkeeper is a non-profit organization with roughly 20,000 members and supporters that works to protect and restore the water quality of the Columbia River and all life connected to it. We are deeply committed to clean water, healthy communities, and restoring the Columbia River's salmon and other native fish stocks that have been negatively impacted by hydroelectric dams. Columbia Riverkeeper frequently works in solidarity with Tribes in the Columbia River basin and supports efforts to enhance Tribal sovereignty and self-determination.

These comments emphasize and expand upon the following themes:

- We support the Council retaining its long-standing interim salmon abundance goal of “doubling the runs” from 2.5 to 5 million adult salmon per year.
- The region has made no meaningful progress toward the Council's interim salmon abundance goal over the last 20 years, despite a conservation approach very similar to the draft 2026 Program.
- Transformational changes to the Columbia and Snake River hydrosystem are necessary to meet the Council's interim salmon abundance goal, but the draft 2026 Program does not recommend any transformational changes.
- Because the draft 2026 Program, if implemented, would not achieve the Council's interim salmon abundance goal, it violates the standards for Fish and Wildlife Programs set by congress and the Council.

- The final 2026 Program should adopt all of the measures recommended by the States and Tribal fisheries managers.

To facilitate public understanding of the Council’s decisionmaking and processes for developing the final 2026 Program, **we request that the Council respond in detail to any of our comments or suggestions that the Council does not accept or agree with.** The Council has a legal obligation to “adopt written findings that explain why recommendations were or were not included in the Program”¹ and has represented that a “response to comments will be included in [the] final Program.”² The 2026 Program will have implications throughout the region, and the public and stakeholders should be able to understand the Council’s decision-making process.

I. The final 2026 Program should retain the Council’s long-standing and well-substantiated interim salmon recovery goal.

We strongly support the Council’s proposal, in the draft 2026 program, to retain the Council’s long-standing estimate of historic fish abundance, as well as the Council’s related five-million-fish interim abundance goal and conclusions about the hydrosystem’s impact on salmon recovery and populations. In 1987, the Council conducted an exhaustive study, and collected much regional input, on historic run sizes and then-current status of Columbia River basin salmon. The study examined all of the historical information on salmon runs and concluded that ten to sixteen million³ salmon and steelhead used to return to the Columbia River every year on average. The Council also determined — after significant research, public input, and discussion — that the hydrosystem is responsible for a decline of 5 to 11 million fish from historic levels. Recognizing that the majority of the measures to meet those goals would be funded by Northwest ratepayers,⁴ the Council selected the low end of the hydrosystem’s responsibility as its interim abundance goal: Roughly doubling the runs to achieve a 10-year rolling average of five million adult fish annually. This was, and regrettably remains, an appropriate interim goal. But it would amount to mitigating only half of the Council’s lowest estimate of the hydrosystem’s responsibility. In the final 2026 Program and beyond, the Council should continue to resist self-serving requests from Bonneville Power and other hydropower interests to abandon the Council’s well-supported and long-held abundance goals and estimates.

¹ Draft 2026 Program, p. 9.

² Draft 2026 Program, p. 196.

³ The five million fish number is roughly midway between the “low” and “high” recovery goals mutually agreed upon by the [Columbia Basin Partnership Task Force](#), which included representatives of the Idaho Governor’s office.

⁴ 1987 Fish and Wildlife Program (“In light of devastating salmon and steelhead losses in the Columbia River Basin and the contribution of the hydropower system to those losses, the Council has set doubling runs as a reasonable interim goal to guide program planning, implementation, measurement, and evaluation.”)

II. The Objectives in the draft 2026 Program lack clarity and accountability.

Unlike the Council’s well-substantiated and easily understandable interim salmon abundance goal, many of the Objectives in the draft 2026 Program lack clarity and accountability. Objectives are supposed to be “the specific, often quantitative, steps that need to be taken on the way to meeting goals.”⁵ Unfortunately, and as explained in greater detail below, many key Objectives in the draft 2026 Program are neither “specific” nor “quantitative.” The result is that the Council and others will be unable to tell whether necessary steps toward meeting the goals — including the quantified interim salmon abundance goal — are actually occurring. For an entity whose primary mission and value to the region is planning (as opposed to enforcement, policy setting, or directly implementing conservation measures), the Council’s production of a draft Program with few specific, measurable, or quantitative Objectives is problematic and disappointing. What is measured gets done. Assuming a relationship exists between the quality and substance of the Program and the achievement of its goals, increasing the specificity and quantitative nature of the Objectives in the final 2026 Program is important for meeting the Council’s interim salmon abundance goal.

The Council can and should set a more specific Objective than “show[ing] meaningful progress” towards the interim salmon abundance goal. Though framed as part of the interim abundance goal, the Council’s ambition to, “by 2035, show meaningful progress in increasing overall abundance toward” the interim abundance goal is actually an Objective because it is expressly one of the “steps that need to be taken on the way to meeting goals.”⁶ We strongly support setting near-term salmon abundance Objectives that will, if met, provide concrete stepping stones toward the interim abundance goal. **However, the “meaningful progress” standard that the draft 2026 Program proposes is so subjective and vague that it could mean almost anything or, more likely, almost nothing.** The draft 2026 Program’s deficiency in this regard is especially frustrating because there are so many easily quantifiable potential measures of progress, for instance: a five million fish annual return once in the next 5 years (as recommended by fish managers); a 25% or 50% increase from the current 10-year rolling average; 10% yearly increases in the 10-year rolling average; a 10-year rolling average of 3 or 4 million fish by a future date. Pick any of these metrics, or a different metric entirely. Just don’t let the region avoid accountability by making our near-term Objective “meaningful progress,” whatever that means.

‘Contributing to,’ ‘supporting,’ or ‘improving’ a desired outcome is not a sufficiently clear or quantifiable Objective, especially when that Objective is designed to mitigate quantified hydrosystem losses of salmon. Clear, numeric Objectives are both feasible and necessary to

⁵ Draft 2026 Program, p. 24.

⁶ Draft 2026 Program, pp. 24, 26.

support attainment of the Program’s clear, numeric salmon mitigation goals.⁷ Support for this assertion comes also from the Council’s discussion of mitigation Goals when “the Program does not contain specific quantified mitigation objectives.”⁸ In that context, the draft 2026 Program asserts that it is appropriate that the Council’s efforts to “protect and mitigate for hydrosystem impacts on these species will ‘**contribute to...**’ the success in achieving these objectives.”⁹ Conversely, then, where the Council has quantified hydrosystem losses and itself set specific mitigation goals, the Council should set “specific quantified mitigation objectives”¹⁰ — not merely ‘contribute to’ meeting larger Objectives in some vague and un-quantifiable manner.

The final 2026 Program should provide specific, quantifiable Objectives for improving key salmon metrics. For example, Biological Objectives S1, S2, and S3 call for ‘contributing to’ or ‘improving on’ stock abundance targets developed by the Columbia Basin Partnership Task Force, smolt-to-adult return ratios (SAR), and juvenile passage survival, respectively. Ecological Objective E1 and E2 say to ‘contribute to’ “improving” habitat and water quality. We support these Objectives in principle, but the failure to clearly and quantifiably express an *amount* or *degree* of ‘contribution’ or ‘improvement’ renders these well-intended Objectives illusory and meaningless. If these Objectives are actually to represent the “steps that need to be taken on the way to meeting goals,”¹¹ then clearly defined numeric targets for improvements in these key salmon and habitat metrics are essential. The lack of clear numeric targets undermines the Council’s goals of transparency and accountability but, even worse, makes it impossible to assess whether the Objectives are collectively sufficient to meet the salmon mitigation Goals, as well as whether the Program’s Strategies and Measures (many of which suffer from a similar lack of clarity) are sufficient to support the Objectives.

If Objectives referenced above (and other, similarly phrased salmon mitigation objectives such as S5 and S7) are not amended in the final 2026 Program to quantify the amount or extent of the ‘contribution’ or ‘improvement’ desired by the Council, we request that the Response to Comments explain:

1. Why more specific, quantifiable language was not included in these Objectives;
2. Why the Council believes, based on the best available science,¹² that the Objectives as written will collectively lead to the achievement of the interim salmon abundance goal;

⁷ Draft 2026 Program, p. 24 (“When hydrosystem losses have been quantitatively assessed, such as with anadromous salmon and steelhead . . . the Program’s goals **and objectives** are explicitly described in terms of mitigating for those quantified hydrosystem losses.” (emphasis added)).

⁸ Draft 2026 Program, p. 24.

⁹ Draft 2026 Program, p. 25 (emphasis in original).

¹⁰ Draft 2026 Program, p. 25.

¹¹ Draft 2026 Program, p. 24.

¹² Northwest Power Act, §4(h)(6) and §4(h)(6)(B).

3. Why the Council believes, based on the best available science,¹³ that the Strategies and Measures in the 2026 Program are likely to facilitate the accomplishment of the Objectives, and at what scale given the Objectives’ unquantified nature.

By contrast, we appreciate the Council’s inclusion of certain other specific and quantifiable Objectives in the draft 2026 Program. For instance, Biological Objective S4 and Passage Objective H44 says to “Achieve” the numeric adult survival standards for specified stocks and reaches. Passage Objective H44 recommends reducing juvenile powerhouse encounters below a defined rate. Ecological Objective E3 directs the hydrosystem to “attempt to achieve” certain seasonal flow levels at specific dams. Without expressing an opinion on whether these Objectives are sufficient, alone or collectively, to help meet the Program’s interim salmon abundance goal, we do appreciate the inclusion of well-formulated, quantifiable Objectives that are less susceptible to multiple interpretations. We encourage the Council to revise the draft 2026 Program to provide similar clarity and specificity in the remaining Objectives, and to provide clear guidance for what should happen when these Objectives are not met.

III. The Strategies and Measures in Part 4 of the draft Program are not sufficient to meet the 2026 Program’s Objectives or the Council’s salmon abundance goals.

The Council’s various Fish and Wildlife Programs, over the past twenty years, have consistently failed to recommend (let alone precipitate) the implementation of Measures necessary to meet the Council’s salmon recovery goals. Since roughly 2005, the 10-year rolling average of salmon abundance in the Columbia River basin has hovered at around 2.5 million fish, with many individual years well below that mark.¹⁴ The draft 2026 Program would continue that tradition by ignoring key recommendations of State and Tribal fish and wildlife managers. Additional discrete and quantifiable Measures — such as adequate water transit times, meeting temperature water quality standards, and removing key passage barriers — would alter the hydrosystem status quo but actually increase fish survival and abundance in a way that could begin to achieve the Council’s Goals.

a. The operations proposed in the Columbia River System 2020 Biological Opinion should not become the basis for the 2026 Program’s Measures.

Relying on the 2020 BiOp for “baseline flow and passage measures”¹⁵ is misguided and results in a draft 2026 Program that does not contain Measures sufficient to meet the Council’s Objectives or interim salmon abundance goals. Basing the 2026 Program’s flow and passage measures for salmon on the 2020 BiOp is inappropriate because the goal of a BiOp (and the

¹³ Northwest Power Act, §4(h)(6) and §4(h)(6)(B).

¹⁴ See Kris Homel and Kate Self, [*Fish and Wildlife Program Performance: Tracking Progress Toward Program Goals and Objectives. v. 1*](#), fig. 4 (2025).

¹⁵ Draft 2026 Program, p. 45.

Endangered Species Act) is merely to avoid extinction and recover species to the point where they are no longer at risk of becoming extinct. The Council’s goals for salmon abundance are different, and more ambitious: Mitigating the hydrosystem’s loss of 5 to 11 million salmon, with an interim goal to “double the runs” from 2.5 million.¹⁶ Achieving this goal will require the Program to significantly rebuild salmon runs, not merely avoid harm. The draft 2026 Program’s heavy reliance on Measures designed, nominally, to meet the Endangered Species Act’s comparatively modest aims is illogical and virtually guarantees that the 2026 Program will not achieve its goals.

Relying on the 2020 BiOp is misguided because the BiOp is not legally sufficient to satisfy the ESA. As acknowledged in the recent order granting a preliminary injunction in the *National Wildlife Federation v. National Marine Fisheries Service* case, the measures in 2020 BiOp likely do not even meet the ESA’s low standard of recovering salmon to the point that they are no longer at risk of extinction. Indeed, *none* of the various BiOps produced over the last 20 years have met this standard. The Council should not adopt a set of “baseline flow and passage measures”¹⁷ that are not even legally sufficient to meet the ESA, let alone the Northwest Power Act’s more ambitious goals.

Relying on the 2020 BiOp is misguided because similar Measures from past BiOps have not led to meaningful progress towards the Council’s interim or overall salmon mitigation and abundance goals. The 2014/2020 Program expressly deferred the management of hydropower operations to the FCRPS 2014 BiOp and EIS and attendant court orders and agreements. Since 2014, the 10-year rolling average of salmon abundance in the Columbia River basin has hovered at around 2.5 million fish, with many individual years well below that mark.¹⁸ The flow and passage recommendations in the 2020 BiOp are not materially different from those in the 2014 BiOp; adopting them as “baseline” Measures will perpetuate the Program’s failure to “show meaningful progress in increasing overall abundance”¹⁹ and inhibit the Council’s stated Strategy to “[m]anage dams and reservoir operations . . . to *improve* fish passage and survival through the hydrosystem.”²⁰ If the Council wants a different outcome, it needs a different approach.

Instead of deferring some of the most important fish recovery measures to other processes that have failed, and are not designed, to meet the Council’s salmon abundance goals, the Council should adopt the hydropower operations Measures recommended by State and Tribal

¹⁶ Draft 2026 Program, p. 45. (explaining that “the ultimate objective of the Program [] goes beyond just delisting endangered species”).

¹⁷ Draft 2026 Program, p. 45.

¹⁸ See Kris Homel and Kate Self, [Fish and Wildlife Program Performance: Tracking Progress Toward Program Goals and Objectives, v. 1](#), fig. 4 (2025).

¹⁹ Draft 2026 Program, p. 26.

²⁰ Draft 2026 Program, p. 43 (emphasis added).

fisheries managers. If the Council insists on using baseline flow and passage measures designed to satisfy the ESA rather than the Northwest Power Act's goals, the 2026 Program should at least use the measures mandated by the recent preliminary injunction in the *National Wildlife Federation v. National Marine Fisheries Service* case.

b. The draft 2026 Program's focus on "consistency" is misguided.

Transformational improvement, not "consistency,"²¹ should be the first theme of the hydrosystem section of 2026 Program. Though "spill operations[] have changed frequently in the last decade,"²² the 10-year rolling average of salmon abundance has not. This is likely because survival models and experience suggest that none of the past fluctuations in spill and other operations are significant enough to produce the kind of transformational improvement in survival necessary to meet the Council's goal to "double the runs." The Council's implication that, because of past variations in hydropower operations, it lacks the necessary information to propose Measures likely to meaningfully improve salmon survival commensurate with the Council's stated goals is simply incorrect. If anything, the Program suffers from too much consistency.

If the Council insists on its theme of "consistency," the Measures in the 2026 Program should meaningfully depart from the status quo of hydrosystem operations. The Program could do this by accepting all of the Fish and Wildlife managers recommendations, or adopting the measures in the recent injunction in *National Wildlife Federation v. National Marine Fisheries Service*. Adopting these meaningful changes, and implementing them "consistently over multiple years,"²³ would give the Council a distinct contrast to past operations on which to base conclusions about the impacts of operational Measures.

c. Enhanced spill should continue until August 31.

The Council should reconsider its abrupt and unjustifiable decision to eliminate "enhanced spill" through the end of August as a Measure to support juvenile fish passage.²⁴ Enhanced spill to the end of August was a key Recommendation by State and Tribal fish managers, to which the Council owes a "high degree of deference."²⁵ Abruptly eliminating enhanced August spill from the 2026 Program is a naked example of the Council improperly placing the desires of Bonneville Power before the Council's "protect, mitigate, and enhance"

²¹ Draft 2026 Program, p. 44 ("The mainstem hydrosystem section of the Program emphasizes three themes in this iteration. First is the need for consistency.").

²² Draft 2026 Program, p. 44.

²³ Draft 2026 Program, p. 44.

²⁴ See Draft 2026 Program, p. 66.

²⁵ *Northwest Resources Information Center, Inc. v. Northwest Power Planning Council*, 35 F.3d 1371, 1383 (9th Cir. 1994).

(PM&E) mandate and making under-informed conclusions about the economic and reliability implications of key hydropower operations outside the public view, as discussed in detail in Section V, below.

Curtailing enhanced spill at the beginning of August would significantly harm a key component of the Snake River fall Chinook run. This directly conflicts with Mainstem Hydrosystem Flow and Passage Operations General Measure H2’s directive to “Manage hydrosystem operations to support biological diversity by minimizing the artificial selection or limitation of life history traits.”²⁶ As explained in [Fish Passage Center Memo 39-23](#), August-migrating juvenile Snake River fall Chinook display an important life history trait because they make up a significant, and disproportionately large, share of returning adults. Moreover, the earlier average migration time and smaller percentage of August-migrating juveniles observed recently in this stock is an artifact of significantly increased hatchery releases earlier in the summer — not an indication that August has become less important for wild fish survival and recovery. The Council should effectuate its stated goal of “minimizing the artificial selection or limitation of life history traits” by recommending enhanced spill throughout August.

If the final 2026 Program ignores the State and Tribal fish managers’ Recommendations for enhanced August spill, we request that the Response to Comments answer the following questions, which we believe bear directly on the Council’s decision:

1. What information and reasoning led the Council to reject the Recommendation for enhanced spill to the end of August?
2. Given the information presented by Oregon Department of Fish and Wildlife and others regarding the importance of enhanced August spill to wild Chinook migration and escapement, why does the information that the Council relied on to reject the enhanced August spill Recommendation constitute the best available science?²⁷
3. Given the information presented by Oregon Department of Fish and Wildlife and others regarding the importance of enhanced August spill to wild Chinook migration and escapement, how is rejecting the enhanced August spill Recommendation consistent with the Council’s obligation to give fish managers a “high degree of deference.”²⁸

²⁶ Draft 2026 Program, p. 44.

²⁷ Northwest Power Act, §4(h)(6) and §4(h)(6)(B).

²⁸ *Northwest Resources Information Center, Inc. v. Northwest Power Planning Council*, 35 F.3d 1371, 1383 (9th Cir. 1994).

4. When, where, and how was the information that the Council relied on to reject the enhanced August spill Recommendation presented to State and Tribal fish managers, the public, council staff, and Council members?
5. Why wasn't the Council's proposal to reduce August spill presented as a Recommendation from the Idaho Department of Fish and Game, upon which other fish and wildlife managers, and the public, could comment?
6. What is Bonneville Power's current offer to the State of Idaho regarding a renewed Fish Accord? When was that offer communicated?

d. Lower Snake River dam removal should be a Measure in the 2026 Program.

There is no real scientific debate about whether Lower Snake River dam removal is necessary to help meet the Council's interim goal of increasing yearly salmon runs by 2.5 million fish from current levels, or to mitigate for the quantified hydrosystem losses of 5 to 11 million fish, or to achieve the Objective of contributing to the Columbia Basin Partnership's consensus recovery targets for runs in the Snake River subbasin. Our country's top federal and independent fisheries institutions found that un-damming the Lower Snake River is essential to increasing salmon abundance and avoiding generational declines. Given the lack of meaningful increases in the 10-year rolling average of salmon abundance during the last 20 years, and the fact that yearly average fish returns are roughly the same as when the Council adopted its interim 5-million fish goal almost 40 years ago, it's well past time for Programs to start including ambitious Measures — like Snake River River dam removal — that could create real progress toward the Council's fish abundance goals.

Listing Lower Snake River dam removal as a Measure in the 2026 Program would not require or precipitate dam removal.²⁹ As the Council explained, "The Program contains more measures than the Council expects to be implemented in the near term – many of the measures are part of a pool of actions to benefit fish or wildlife to be drawn from over time for implementation."³⁰ With this understanding, Lower Snake River dam removal should be included as a Measure, especially because few other potential measures could increase salmon abundance enough to create "meaningful progress"³¹ toward the Council's interim goal. Including Lower Snake River Dam removal as a Measure would not commit the region to dam removal. It would merely acknowledge what the fish managers and the scientific community already know: Lower

²⁹ Draft 2026 Program, p. 145 ("The fact that a specific measure is included in the Program does not necessarily guarantee near term implementation or constitute an immediate implementation or funding obligation for the associated action or project.").

³⁰ Draft 2026 Program, p. 145.

³¹ Draft 2026 Program, p. 26.

Snake River dam removal would be an essential part of increasing the overall productivity of salmon runs in the Columbia River Basin to levels commensurate with the Council’s interim abundance goals.

The Council’s role is prescriptive, not predictive. Accordingly, the final 2026 Program should not include Mainstem Hydrosystem Flow and Passage Operations General Measure H7, which states that “The Council assumes” that Lower Snake River Dam removal will not occur in the near term.³² The Council’s job is not to guess what will happen or to make assumptions about future political or regulatory decisions. The Council’s job is to say — through the Program and its Measures — what *should* happen in order to meet the Council’s salmon abundance goals. And then build a Power Plan around it.

Nothing in the Northwest Power Act’s mandate to provide “adequate, efficient, economical, and reliable power” precludes the retirement and orderly replacement of generating assets—especially assets that produce less than 4% of the region’s energy, and most of it in the spring and early summer when the Pacific Northwest has far more wind, solar, and other hydroelectricity than we need. Indeed, the Northwest Power Act directs the Council, in its Power Plans, to identify resources that Bonneville Power should acquire to address predicted energy shortfalls. The Ninth Power Plan should therefore identify the resources and strategies necessary to address the loss of generation following Lower Snake River dam removal.

Please include in the Response to Comments (1) a detailed explanation of why the Council believes that the Measures proposed in the 2026 Program will meet or show meaningful progress toward the interim abundance goal and (2) how much more progress would be likely over that same time span were Lower Snake River dam removal to occur before 2030.

e. The final 2026 Program should include specific Measures to decrease water transit and fish migration time.

We support the Program’s emphasis on the need for “operations that keep water flowing with minimal fluctuations during peak juvenile migration.”³³ Increasing water velocities and maintaining downstream flows (commonly called reducing water transit time) would avoid ponding in reservoirs and juvenile fish disorientation, as well as decrease temperatures and predation.³⁴ Despite paying lip service to this systemic and well-known problem, the draft 2026 Program recommends stakeholder forums and further study rather than new Measures to actually improve salmon survival.

³² Draft 2026 Program, p. 45.

³³ Draft 2026 Program, p. 44.

³⁴ Draft 2026 Program, p. 44.

The Council should adopt the Recommendations of fish managers, including the Oregon Department of Fish and Wildlife, to set clear, quantifiable targets for water transit times by reach and season. The Council admits that the flow and pool elevation targets (taken from the 2020 BiOp) in the draft 2026 Program have not reduced water transit times enough to meaningfully boost smolt survival.³⁵ Accordingly, the Council should set clear, science-based targets for water transit times based on the Recommendations of expert fish managers throughout the basin.

Potential logistical challenges to achieving the water transit time Recommendations do not justify the Council’s rejection of these Recommendations. Indeed, the Program *must* include Strategies and Measures that have not yet been achieved or implemented; only Strategies and Measures that have not yet been accomplished can rescue the Program from its multi-decade failure to create meaningful progress toward the interim salmon abundance goals. The Council also admits that draft 2026 Program’s *current* Measures with respect to flow are often unmet, so it would be arbitrary to reject the water transit time Recommendations on the basis that dam agencies may not choose, or be able, to implement them immediately. The Council should accept the Recommendations for clear, ambitious water transit time Measures that would meaningfully increase salmon survival, and then help the region figure out how to achieve these Measures — not the other way around, as proposed in the draft 2026 Program.

f. The final 2026 Program should include specific Measures to decrease water temperature and meet the requirements of the Clean Water Act.

We strongly support Measures in the draft 2026 Program to address heat pollution caused by the reservoirs and its harmful effects on salmon and other cold-water species. High-profile fish kills and harmful algal blooms in recent years have focused attention on the hydrosystem’s heat pollution. We appreciate that the draft 2026 Program addresses this important issue, and we offer suggestions for increasing the final Program’s specificity and alignment with Clean Water Act processes aimed at reducing the dams’ heat pollution and harm to water quality and salmon.

We strongly support the intent behind Measure H55, especially as it relates to the Army Corps “improv[ing] fish ladder water temperature mitigation at all adult fishways.”³⁶ In August of 2025, water in the John Day Dam’s fish ladders became very hot, and a large temperature differential formed between one fish ladder and the water downstream.³⁷ As a result, upriver bright fall [Chinook migration ground to a halt](#), conversion rates were historically low, and a significant portion of the run died because of hot water. Obviously, this level of adult mortality (in one of the Columbia’s most important Tribal and recreational fisheries) is not compatible

³⁵ Draft 2026 Program, p. 49 (“neither current system operations as implemented nor the changes in operations represented in the measures achieve the monthly or seasonal flow objectives in most years or result in achieving the recommended water transit time targets.”).

³⁶ Draft 2026 Program, p. 63.

³⁷ Fish Passage Center, [Adult Passage Delay at John Day Dam. Memo 37-25](#) (Nov. 5, 2025).

with the Council’s adult conversion rate goals or the interim salmon abundance goal. Measure H55 should be strengthened to help avoid similar future fish kills by including specific requirements to:

- Prioritize improvements to the adult fishways at John Day Dam to avoid fish kills similar to the one that occurred in 2025;
- Meet the applicable state water quality standards in all adult fishways, as required by the Columbia and Lower Snake River Temperature TMDL³⁸ and related Clean Water Act permits for the dams.
- Target less than one degree Celsius difference between fish passage outflows and the surrounding waters.

We support the Measures to address heat pollution from dams included on page 67 of the draft 2026 Program. We offer the following suggestions in order to provide clearer targets in these Measures and, in some cases, to align these Measures with recent or developing Clean Water Act requirements for the dams:

- Measure H77: The Washington Department of Ecology, as part of its Implementation Plan for the Columbia and Lower Snake River Temperature TMDL, is currently leading this work. We support including language in this Measure specifically directing the Army Corps to collaborate in this work, as the Army Corps has thus far resisted cooperating with this important modeling and planning effort.
- Measure H79: We strongly support this Measure and recommend that it be modified to specifically task the Army Corps with its implementation, as the Army Corps has the most experience using the CW-QUAL-W2 model on Dworshak operations.
- Measure H80: The the federal agencies’ Water Quality Plan is now secondary in terms of legal significance and practical relevance to the Temperature TMDL, the TMDL Implementation Plans currently being created by Oregon and Washington, and the Water Quality Attainment Plans currently being developed for each individual dam. This section of the Program should be amended to implement these Clean Water Act compliance documents. If the Council does not incorporate these Clean Water Act compliance documents into the Program, the Response to Comments should explain (1) why not and

³⁸ EPA, *Columbia and Lower Snake River Temperature TMDL* (2021), p. 43 (“The TMDL target temperatures apply at all locations within the mainstem Columbia and Snake rivers. This includes not only the target sites (dam tailraces) but also areas such as fish ladders”).

(2) how it is not arbitrary to rely on the BiOp and ESA for “baseline” Measures while rejecting Measures derived from the Clean Water Act.

- Measure H81: We strongly support this Measure’s directive to “implement water quality improvement measures to reduce water temperatures . . . to meet state . . . water quality standards”
 - Measure H82: We support this Measure’s focus on “TMDL provisions containing allocations affecting federal hydropower projects in the Columbia River Basin.” This Measure should be clarified and strengthened by specifically referring to the heat load allocation for dams in the Temperature TMDL. The Measure’s directive to federal agencies to “incorporate” load allocations of the TMDL into the Water Quality Plan is insufficient, for the reasons explained above in regard to Measure H80. The final 2026 Program should not subsume the Clean Water Act’s new requirements for dams’ heat pollution into a Water Quality Plan that has failed to produce any meaningful improvements in water temperature for many decades.
- g. The final 2026 Program should further limit instances where juvenile fish are barged or transported downstream.**

In keeping with the Council’s directive to “favor solutions that best fit natural behavior patterns and river processes and increase the likelihood of adult returns,”³⁹ we support minimizing the barging of juvenile fish. Multiple studies and reports in the last decade have shown that fish transported downriver as juveniles migrate upstream less successfully as adults, as compared to fish that outmigrated in the river. High water temperature — a worsening problem in the mainstem Columbia and many tributaries — exacerbates this effect.⁴⁰ The Measure specifically related to barging fish, H54, should be strengthened in the following ways:

- Include an actual standard for fish managers and dam agencies to follow when evaluating whether to barge fish. This can easily be accomplished by replacing the vague and standardless language in H54 with a concrete standard, such as: “Do not barge fish without clear and convincing evidence of life-cycle survival benefits when compared to in-river migration, include transportation effects on adult survival and stray rates and the impacts of straying.”

³⁹ Draft 2026 Program, p. 60.

⁴⁰ Fish Passage Center, [*Adult Passage Delay at John Day Dam, Memo 37-25*](#), p. 2 (Nov. 5, 2025) (“Juvenile fish that were transported as smolts exhibited a more severe response to higher water temperature with reduced upstream migration success compared to their nontransported cohorts.”).

- We strongly support H54’s directive that “Juvenile fish transportation should not degrade in-river conditions,” but the Council should eliminate the loophole in that standard. If spill reductions or pool elevation increases would be necessary to facilitate barging, due to operations constraints or human safety risks, simply do not barge fish.

IV. The draft 2026 Program does not “protect, mitigate, and enhance” salmon runs within the meaning of the Northwest Power Act.

Because of its shortcomings, described above, the draft 2026 Program is not sufficient to meet the Council’s interim salmon abundance goal, and therefore violates the Northwest Power Act’s requirement to produce a Program that protects, mitigates, and enhances salmon. The appropriate standard for determining if the Council has met its legal requirement to adopt a Program that would “protect, mitigate, and enhance”⁴¹ anadromous salmon and steelhead — resources for which the Council has quantitatively assessed hydrosystem losses — is whether that Program would (at the bare minimum) meet the Council’s interim abundance goals if implemented.⁴² As the draft 2026 Program explains in no uncertain terms: “The combined implementation of measures addressing the direct impacts of the hydrosystem and the off-site mitigation measures must be sufficient to mitigate for the impacts of the Columbia hydropower system on fish and wildlife.”⁴³ Where those hydrosystem impacts have been quantified and reduced to numeric interim salmon abundance goals, the Program’s ability to meet those goals (if the Program was fully implemented) is one necessary part of the Program’s legal sufficiency.⁴⁴ The Council explains, and we agree, that “The Program’s goals . . . are consistent with the Act . . .”⁴⁵ Specifically, the Program’s interim salmon recovery goal is consistent with the Act’s requirement to “protect, mitigate, and enhance” salmon. Accordingly, a Program that *fails* to contain sufficient strategies and measures to meet the interim salmon recovery goal necessarily falls short of meeting the Act’s requirement to “protect, mitigate, and enhance” salmon.

The draft 2026 Program’s strategies and measures, even if fully implemented, would be insufficient to meet (or even make “meaningful progress” toward meeting) the Council’s interim salmon recovery goal. The draft 2026 Program proposes to address the direct effects of the hydrosystem on salmon by perpetuating the same approaches that have failed to produce any

⁴¹ Northwest Power Act, §4(h)(1)(A).

⁴² Draft 2026 Program, p. 24 (“When hydrosystem losses have been quantitatively assessed, such as with anadromous salmon and steelhead and certain aspects of the wildlife and resident fish impacts, the Program’s goals and objectives are explicitly described in terms of mitigating for those quantified hydrosystem losses.”)

⁴³ Draft 2026 Program, p. 11.

⁴⁴ Draft 2026 Program, p. 26 (“The Program’s numerical goal for salmon and steelhead is part of an overarching qualitative goal . . . to protect, mitigate and enhance salmon and steelhead adversely affected by the Columbia River hydroelectric power system”).

⁴⁵ Draft 2026 Program, p. 24.

meaningful movement, for the last 20 years, towards the Council’s interim goal of a rolling ten-year average of five million fish. Sections II and III, above, detail why the objectives, strategies, and measures in the draft 2026 Program are either insufficient or too vague to result in attainment of the interim abundance goal.

The Council even admits that the draft 2026 Program is insufficient to meet the interim salmon abundance goal “absent extraordinary environmental conditions”⁴⁶ What the Council apparently fails to grasp is that the goal of the Program is to describe how to achieve the “extraordinary” (read: out of the ordinary) freshwater conditions that the Council knows are needed to meet the interim abundance goal. The draft 2026 Program’s emphasis on “consistency” and recommendation to continue status quo hydrosystem operation virtually ensures that freshwater environmental conditions (and salmon survival) will remain ‘ordinary,’ and far below the level the Council found necessary to mitigate the hydrosystem’s impact on salmon.

The Council is not alone in concluding that slight alterations to the status quo will not meet its goal to “double the runs” in the near-term: the Fish Passage Center recently found that that “extremely large volumes of water or significant modifications in hydro system configuration are needed to meet [Water Transit Time] required for downstream migration of salmon and steelhead” in the Lower Snake River.⁴⁷ And a federal court has observed that the system of dams on the Lower Snake and Columbia “cries out for a major overhaul” if salmon are to survive.⁴⁸ The hydrosystem needs major systemic changes in configuration and operation in order to meet the Council’s goals for salmon abundance; because the draft 2026 Program contains no such measures, it is legally insufficient.

If the Council disagrees with our characterization of the “protect, mitigate, and enhance” standard as applied to anadromous salmon and steelhead, the Council’s response to comments should clarify the meaning of these terms so that the public, fish and wildlife managers, and Council staff can have a common understanding of the Northwest Power Act’s central requirement with respect to fish and wildlife mitigation.

For the same reasons discussed earlier in this Section, the draft 2026 Program also does not meet the Northwest Power Act’s requirement to include Measures that “provide flows of sufficient quality and quantity . . . to improve production, migration, and survival of [anadromous] fish as necessary to meet sound biological objectives.”⁴⁹ The Council’s interim abundance goals are necessarily ‘sound biological objectives’ within the meaning of this

⁴⁶ Draft 2026 Program, p. 26.

⁴⁷ See e.g. Fish Passage Center, [2024 CSS Report](#), p. xxi.

⁴⁸ *Nat’l Wildlife Fedn v. Nat’l Marine Fisheries Serv.*, 184 F. Supp. 3d 861, 876 (D. Or. 2016).

⁴⁹ Northwest Power Act §§ 4(h)(6) and 4(h)(6)(E)(ii).

provision.⁵⁰ But because the draft 2026 Program maintains the status quo operation and configuration of the hydrosystem, and that status quo is incompatible with providing flows of sufficient quality (e.g. water temperature) and quantity (e.g. water transit time) to meet the interim recovery goal, the draft 2026 Program does not satisfy Northwest Power Act § 4(h)(6)(E)(ii).

Given the Council’s determination that the hydrosystem is responsible for a decline of 5 to 11 million salmon, attainment of the interim abundance goal (which would entail a roughly 2.5 million fish increase from 1980s (and current) abundance levels, equal to roughly half of the low-end estimate of total hydropower losses) is insufficient to offset the quantitatively assessed salmon and steelhead hydrosystem losses. But because of the longstanding lack of meaningful progress toward the interim goal, we have discussed the draft 2026 Program’s failure to propose measures reasonably sufficient to meet the interim goal. We reserve the right to address the Program’s failure to meet the overall 5 to 11 million salmon hydrosystem mitigation responsibility, either in comments on future Program amendments or in litigation.

V. Procedural mistakes resulted in a draft 2026 Program that will not meet the region’s fish recovery or energy planning needs.

The Council rejected certain Recommendations based on untimely and undefined concerns about the Program’s potential impacts on hydropower cost and reliability. Rejecting Recommendations — such as August spill, water transit time targets, pool elevation limits, and Lower Snake River dam removal — simply because they are disfavored by Bonneville Power or other hydropower interests is not conducive to developing a final Program sufficient to meet the Council’s interim or long-term salmon abundance targets. The Council’s implicit and untimely consideration of economics and reliability undermined the value and sufficiency of the draft 2026 Program.

The Northwest Power Act charges the Council with two responsibilities that are occasionally in tension: create a plan to “protect, mitigate, and enhance fish and wildlife” affected by hydrosystem and “assur[e] the Pacific Northwest an adequate, efficient, economical, and reliable power supply.”⁵¹ **Often (as here) misapplied and misunderstood as a directive to the Council to balance these responsibilities, the Northwest Power Act actually requires the**

⁵⁰ If the Council disagrees, the Response to Comments should explain (1) the basis for rejecting the interim abundance goals as “sound biological objectives,” (2) what other “sound biological objectives” the 2026 Program is attempting to meet, and (3) why the 2026 Program’s Measures provide “flows of sufficient quality and quantity” to meet them.

⁵¹ Northwest Power Act, Section 4(h)(5).

Council to achieve both simultaneously.⁵² Therefore, the Council should not undermine the ability of its Fish and Wildlife Program to meet the PM&E responsibility based on concerns about hydropower cost and reliability. Nevertheless, the Council eliminated several fish managers’ recommendations — seemingly for economic and reliability concerns — to arrive at a draft 2026 Program which, as explained in Sections II, III, and IV above, would not satisfy the PM&E requirement with respect to salmon. Because the Council’s two responsibilities are distinct, the Council cannot sacrifice the first to achieve the second.

The Ninth Power Plan is the appropriate place to test and develop strategies for providing an “adequate, efficient, economical, and reliable power supply” while meeting the PM&E requirement. Rather than restrict the strategies and measures in the 2026 Program based on undisclosed and unsubstantiated concerns about cost and reliability, the Council should release a final 2026 Program that contains all strategies and measures reasonably necessary to meet its goals, including the 5-million-fish interim abundance goal. After that, the Council can, with full public participation, develop a Power Plan that adequately describes the changes to the hydrosystem and Pacific Northwest’s power system needed to *simultaneously* achieve the Council’s PM&E and AEERPS requirements. **Only a final 2026 Program that is sufficient with respect to PM&E will enable the Council to develop a Ninth Power Plan that shows what changes to the Northwest power system are needed for fish and wildlife, as well as affordability and reliability.**⁵³ This could be a tremendous service to the region and fulfill the Council’s dual congressional requirements, perhaps for the first time.

If the Council insists on injecting economic considerations into its evaluation of Recommendations when developing Fish and Wildlife Programs, it should do so explicitly and allow for review and comment by the public, stakeholders, and sovereigns. Allowing vague and unsubstantiated concerns about potential impacts on hydropower to implicitly influence the evaluation of Recommendations stifles public understanding and engagement, undermining the Council’s commitment to transparency.⁵⁴ At the very least, the Council should clearly identify when it has rejected a fish manager’s Recommendation based on economic or reliability considerations, and provide evidence to support that decision such that the fish managers and the public can respond. The Council should also have disclosed its preliminary AEERPS conclusion and reasoning to the public, stakeholders, and sovereigns in the Draft Program. If the Council

⁵² Draft 2026 Program, p. 10 (“The Act directs the Council to protect, mitigate, and enhance the fish and wildlife affected by the development and operation of the Columbia River Basin hydropower facilities. *The Council is to do so in a way that still assures* the Pacific Northwest an adequate, efficient, economical, and reliable power supply” (emphasis added)).

⁵³ See Draft 2026 Program, p. 3 (“It is the Council’s role under the Northwest Power Act to analyze proposed hydropower system changes and develop a *subsequent* Power Plan that still ensures adequate, efficient, economical, and reliable power for the region.” (emphasis added)).

⁵⁴ See Draft 2026 Program, p. 10 (“Public engagement is foundational to the Council’s decision-making process, ensuring collaboration and transparency.”).

insists on making economic and reliability considerations part of the development of the Fish and Wildlife Program, it should at least be transparent about that process and allow for public and sovereign feedback.

The Council’s responsibility is to plan for what could and should be; not to describe or worry about what Bonneville Power will probably do. The Draft Program explains that “Bonneville has the authority and responsibility to manage its fund prudently, to decide how much to dedicate to fish and wildlife in any particular year, and to manage its costs, including fish and wildlife costs, so as to maintain the financial integrity of the agency and an affordable power supply.”⁵⁵ Perhaps unfortunately, Bonneville Power appears to be in sole control of its expenses and profits, as well as largely responsible for ensuring reliable region-wide power supplies in real time. Accordingly, the Council should not worry about the Program constraining Bonneville Power. The Council should instead focus on its own job: writing a 2026 Program that (if implemented) would actually meet the interim salmon abundance goals and, thereafter, writing a Ninth Power Plan that describes how the power system would need to change—including what resources Bonneville Power would need to acquire—to fully mitigate for hydrosystem fish and wildlife losses while maintaining affordability and reliability. We have a high degree of confidence that Bonneville Power will do what it deems necessary to remain profitable regardless of the Council’s planning documents.

If the Council disagrees with our characterization of when and how considerations of cost and reliability should be incorporated into the Fish and Wildlife Program (and Power Plan), we request that the Response to Comments clearly and fully explains (1) the Council’s interpretation of its own procedures and responsibilities in this regard, and (2) how those procedures were applied while developing the 2026 Program.

VI. Hydropower Lobbyists do not Represent Rate-Payers or Northwest Communities.

Nearly every person and business in the Pacific Northwest uses at least some electricity created by the hydrosystem. But the fact that we purchase hydrosystem power (or appreciate its relative affordability or the fact that it is less carbon-intense than burning fossil fuels) does not mean that we support maximizing hydropower generation or profitability at the expense of Columbia River salmon. Many people in the Northwest care deeply about how the generation of our power impacts Northwest salmon runs, Tribal cultures, water quality, ecosystem health, and fishing communities. Indeed, many would likely be willing to pay substantially more for hydropower that protects salmon and mitigates the harm done to fish and wildlife by the

⁵⁵ Draft 2026 Program, p. 152.

hydrosystem.⁵⁶ The utilities and their trade associations may profit from keeping electricity rates the lowest in the country, but that does not represent what the actual residential customers desire when considering the needs of rebuilding salmon returns. The Council should keep this in mind when making conclusions about whether the 2026 Program is consistent with the delivery of “economical” power.

Marginal changes to hydrosystem operations to protect salmon will not affect the reliability of our energy system. As residential customers, we are keenly interested in having reliable electricity when we need it most. Understanding this, hydropower interests have made alarming claims to the Council (and elsewhere) about the potential for fish protection measures to cause power shortages, blackouts, and risks to human health. Fortunately for both ratepayers and salmon, the Council’s preliminary analysis indicates that hydropower operations similar to the Recommendations of the State and Tribal fish managers (and those recently granted as injunctive relief in *NWF vs NMFS*) show very modest impacts on power generation, ability to meet peak demand, and our region’s overall ability to maintain a reliable power system. While the Council’s modeling predicts that growing energy demand will require new generation resources in coming years, that same modeling shows that the range of hydrosystem operations before the Council will not materially affect the actions necessary to meet projected future power demand. In other words, the State and Tribal fish managers’ Recommendations for hydrosystem operations will have little negative impact on grid reliability now or in the future — but they will help fish. If rate increases are coming, due to new demands from data centers and other large loads, the Council should plan for aggressive fish-friendly hydrosystem operations to help the region design the most affordable buildout for the new generation.

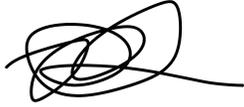
Conclusion

With a robust and improved 2026 Fish and Wildlife Program, the Council can finally make progress towards its interim salmon abundance goals and begin fulfilling its statutory obligation to “protect, mitigate, and enhance” fish and wildlife populations harmed by the hydropower system. We re-iterates and incorporate by reference our Recommendations and Comments on Recommendations previously submitted to the Council regarding the 2026 Program. We further re-iterate our support for the Tribal and State fish managers’ Recommendations, as well as the Joint Technical Comments of the Six Sovereigns on the Draft 2026 Fish and Wildlife Program. We encourage the Council to defer to these agencies’ expertise on salmon recovery — rather than accept the self-serving assertions of Bonneville Power

⁵⁶ Sightline Institute, [*It’s Not Even Close: Economics Says the Snake River Dams Should Go*](#) (2019) (“ECONW evaluated three prior studies on people’s willingness to pay to improve the odds for salmon survival and found that survey research indicates people were willing to pay, on average, between \$34 and \$46 per household per year to “reduce extinction risk,” “recover,” or “protect” wild salmon.”).

designed to keep the Council from meeting its interim recovery goals or its obligation to “protect, mitigate, and enhance” salmon populations.

Sincerely,

A handwritten signature in black ink, appearing to be 'Miles Johnson', with a long horizontal line extending to the right.

Miles Johnson
Legal Director, Columbia Riverkeeper
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On behalf of:

Columbia Riverkeeper
Idaho Rivers United