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Oregon

December 15, 2023

Ms. Brenda Mallory  
Chair, Council on Environmental Quality  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Chair Mallory:

The purpose of this letter is to provide the perspectives of the Northwest Power and Conservation Council with regard to the recently released “U.S. Government Commitments in Support of the Columbia Basin Restoration Initiative and in Partnership with the Six Sovereigns.”

A reminder that the Council has congressionally mandated responsibilities under the Northwest Power Act to produce a conservation and generation power plan for the Pacific Northwest, and a program to protect, mitigate, and enhance fish and wildlife affected by the development and operation of the Columbia River hydropower system. The [power plan](#) and [fish and wildlife program](#) are implemented largely by the Bonneville Power Administration and other federal agencies in partnership with state agencies, the region’s Indian tribes, Bonneville customers, and others.

Many of these new U.S. government commitments overlap or intersect with the Council’s responsibilities under the Power Act, assuming they will be implemented as described. There are ways to implement these commitments that are also consistent with the Council’s responsibilities. But, doing so requires thoughtful engagement and coordination with the Council. We are ready and willing to work together on these matters, and we request that the federal agencies commit to doing so, too.

The Council provided detailed comments from staff on the commitments during the Federal Mediation and Conciliation Service confidential mediation process. We are making those comments public with this letter. The comments below summarize and emphasize key points.

## **Regional Energy Planning**

Regarding the commitments about regional energy planning and new energy resource development, the Council is starting the development of the next regional power plan, which under the Power Act includes a regional strategy for resource acquisition, including a conservation program. Bonneville must develop resources consistent with the Council's plan. This planning effort will factor in the changing dynamics of the power system across the West, including the changing resource mix and clean energy commitments. Additionally, the Council expects to use its state-of-the-art GENESYS model to explore the tradeoffs between operational flexibility in the hydropower system – in particular, the daily fluctuations in hydrogeneration to meet energy needs – and the corresponding impacts on river flows. The Council develops the power plan through a highly public process. Congress established the Council to develop a data-driven and very public power plan to avoid the planning mistakes of the past that resulted from a lack of regional perspective, coordination, and public engagement.

The Department of Energy's Regional Energy Needs Planning Process has the potential to duplicate or complicate the Council's planning efforts under the Power Act. For this work to be of most help to the region, the Council encourages DOE to collaborate with the Council to identify mutual advantages and efficiencies and avoid unnecessary duplication, and to undertake its work in a public and collaborative manner.

We also encourage DOE to coordinate with the Council on methods for accounting for new resources, particularly accounting for energy efficiency. Congress called on the Council and Bonneville to create a [Regional Technical Forum](#) in the late 1990s, and directed the RTF to track regional progress of energy efficiency against the Council's power planning recommendations. The RTF is a broadly representative and collaborative forum that has been performing this function since its inception and has developed a robust methodology for tracking energy efficiency. The Council would be concerned if any method DOE develops for accounting for energy efficiency is inconsistent with this well-established methodology, and particularly with how that accounting might relate to Bonneville's energy efficiency acquisition.

## **Fish and Wildlife Program**

Regarding the fish and wildlife funding and implementation commitments, most of these also intersect with the thousands of protection, mitigation, and enhancement measures in the Council's [Columbia River Basin Fish and Wildlife Program](#). The Council expects that any new activities be well coordinated to effectively integrate with existing activities in the program.

This is particularly true of Bonneville's commitment to make an additional \$100 million of ratepayer funds available over the next 10 years for these activities. This commitment is a Power Act action, as Bonneville has its authority and obligation under the Power Act to use its funds to protect, mitigate, and enhance fish and wildlife affected by the development and operation of the hydropower system, and to do so in a manner consistent with the Council's Fish and Wildlife Program. The same is true of

Bonneville's earlier commitment of \$200 million over 20 years to fund the continuing investigation of the reintroduction of anadromous fish above Grand Coulee Dam, as the Council has already noted publicly. Activities supported by these funding commitments should be implemented consistent with the Council's Fish and Wildlife Program and the Northwest Power Act and in coordination with the Council. The Council believes there are paths forward that preserve the connection to, and public values of, the Power Act while also meeting the goals of the parties under these commitments, and we are ready to work with parties toward that goal.

The same point is true of the general commitment by NOAA and the Fish and Wildlife Service to work with the states and tribes to explore further reforms in the management of Columbia River Basin fish and wildlife mitigation programs. The Council appreciates the recognition that collaboration with the Council is also needed. The Council believes there is significant value in preserving the Northwest Power Act connections and concepts. We see ways to achieve these values and compliance with the Act while working on these reforms.

### **Broader regional and public engagement**

The Council brings a strong statutory commitment and decades of experience in engaging the region on these power and fish and wildlife resource issues. The Council does its work in public and sees significant value for the region in broad engagement with all relevant governmental and non-governmental entities. Many of the commitments in the document would benefit from broader governmental and public engagement. Our existing processes for working with regional entities will provide benefits moving forward.

In sum, the Council was established by Congress to plan for future power needs and to mitigate the impacts of the hydropower system on fish and wildlife – and to do both for the benefit of our entire region. These commitments from the federal government do not change our obligations under the Act. This work is ever more complex, and we welcome the collaboration that must follow to ensure that the work of the federal government builds on and enhances the region's work.

We look forward to continuing this conversation with you.

Sincerely,

A handwritten signature in black ink that reads "Jeff Allen". The signature is written in a cursive, flowing style.

Jeff Allen  
Chair

Cc:  
Jennifer Granholm, U.S. Secretary of Energy  
Deb Haaland, U.S. Secretary of the Interior

Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General of  
the U.S. Corps of Engineers  
John Hairston, BPA Administrator  
Idaho Governor Brad Little  
Montana Governor Greg Gianforte  
Oregon Governor Tina Kotek  
Washington Governor Jay Inslee  
Idaho Congressional Delegation  
Montana Congressional Delegation  
Oregon Congressional Delegation  
Washington Congressional Delegation