

**Congress of the United States**  
**Washington, DC 20515**

November 29, 2023

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President Biden:

We write regarding the attached document entitled “U.S. Government Commitments in Support of the Columbia Basin Restoration Initiative and in Partnership with the Six Sovereigns.” As best we can tell, this document reflects the negotiating positions of the U.S. Government (USG) in the long-standing mediation concerning the Columbia River System Operations (CRSO). Due to the document’s use of vague and imprecise language, it appears susceptible to misinterpretation. Consequently, we have numerous questions about provisions in the document that require clarification. It is imperative that our constituents, whose livelihoods depend on the Columbia River System, have a comprehensive understanding of this document’s contents so they can anticipate and prepare for the wide-ranging impacts that will inevitably be felt across the region should the commitments detailed in this document be realized.

Additionally, as Members of Congress representing the Pacific Northwest and tasked with oversight of the Executive Branch, it is our duty to ensure any actions committed to as part of this agreement do not circumvent by any means the congressional authorization that would be required to execute certain proposed provisions, such as the removal of certain dams. Therefore, we would appreciate your diligence in responding to the below questions in a timely manner.

We understand that, if implemented, this agreement would establish the “Pacific Northwest Tribal Energy Program” to provide technical assistance from the Departments of Energy (DOE), Interior (DOI), and Agriculture (USDA).

- Why does this program apply to only four of the more than 40 federally recognized Tribes in the Pacific Northwest?
- Why does the USG not feel the other federally recognized Tribes in the Pacific Northwest deserve the same access to technical assistance from DOE, DOI, and USDA?
- Does the USG seek to advance efforts to breach the Lower Snake River dams after securing this “replacement” power?
- Will these actions reduce the independence of the Bonneville Power Administration (BPA) in effectuating ratemaking decisions, assessing its statutory responsibilities, and setting its rates? If so, what will be the impact to ratepayers in the region?
- How else would the BPA be able to buy power in the region as an alternative to this new collective tribal energy organization?
- Can the USG ensure that establishing this new tribal organization is in statutory compliance with the Northwest Power Act (PL 96-501)?

The document states that “[t]he science is clear, and now so must be our path forward.” The “science” referenced in the Actions and Commitments appears to be underpinned by the 2022 report by the National Oceanic and Atmospheric Administration (NOAA) titled “Rebuilding Interior Columbia Basin Salmon and Steelhead.”

- On what specifically is the science clear?
- Did the USG rely on any additional scientific reports or studies, other than the NOAA report, which show categorically the science on salmon recovery in the Columbia River basin is clear? If so, why is this the only report cited by the USG in this document?
- Why are adult anadromous fish and non-native fishes now in the basin’s ecosystem not accounted for in any forthcoming actions in the agreement?
- During the RFI process, was ample time and consideration given to peer-reviewed sources provided by stakeholders in the region?
- According to the Government Accountability Office (GAO), salmon face several health impacts from impaired water quality in the Puget Sound. Why is the USG relying on a report that does not take this and other factors that impact salmon runs into account?
- The NOAA report purports that the hydro-system is a primary limiting factor in recovering 10 of 16 steelhead stocks. What other “limiting factors” were studied prior to releasing the report?
- Did the Council on Environmental Quality (CEQ) play a role at any stage in the development of the NOAA report? If so, please describe the nature of their involvement.

In the section of the document labeled, “Reintroduction of Salmon in the Upper Columbia River Basin,” objective 1(a) includes developing and advancing an “urgent, comprehensive strategy to (a) restore salmon and steelhead to healthy and abundant levels.” This is followed thereafter by the USG reaffirming its commitment to the Phase 2 Implementation Plan (P2IP).

- How are the terms “healthy and abundant” defined?
- What is the plan to fund the \$200,000,000 commitment for the Phase 2 Implementation Plan for salmon reintroduction?

The draft agreement mentions coordination between the Six Sovereigns, the USG, and DOE to identify alternative “regional resources” in developing a “federal accounting mechanism” that will be used to determine “replacement” energy services for the Lower Snake River dams.

- Will this “accounting mechanism” incorporate grid reliability, including the 24/7 baseload energy deployment potential these dams provide, as a factor in determining replacement energy services?
- Will this accounting approach also solicit input from power providers in the region prior to the release of any guidance pertaining to the replacement of these resources?

The phrase “dam breaching” appears several times throughout this document. For example, on page 3 under “responsive to CBRI objectives 1(a),” the document notes completing “the actions and investments necessary to secure continuity of services associated with Lower Snake River restoration **prior** to Lower Snake River dam breaching.”

- Is your administration hoping the studies and actions funded by this report will substantiate enough “evidence” to undermine the economic viability of the hydroelectric system?
- Is there any scenario that would lead your administration to proceed with breaching without express authorization from Congress?
- Is it your official position at this point in time that these dams should ultimately be breached?

On page 13, in the section “Authorizations, Studies, and Timelines,” the USG states the intent to “secure necessary regulatory compliance, authorizations and appropriations.”

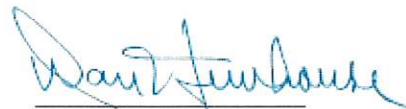
- Are appropriations from Congress being relied upon to fund any of the commitments contained in these Actions and Commitments, and if so, what specific commitments will appropriated funds be sought for?
- Have there been consultations with any Members of Congress in drafting either this section or any of the other commitments made in the document? If so, have written assurances of authorizing appropriations of these funds been made?
- What happens should the necessary “authorizations and appropriations” not be secured?

Lastly, we respectfully request that a list of groups and individual voices that were included in the development of this package be provided so we can ensure it truly reflects what is in the best interest of the people we serve, as well as the marine populations it aims to protect. Furthermore, we have attached the “package of commitments” to this letter to assist you in providing us with answers to the questions presented above. It is crucial that clarity and certainty is provided so we can achieve our common goal of a durable, long-term strategy for the future of the CRSO.

Sincerely,



Cathy McMorris Rodgers  
Member of Congress



Dan Newhouse  
Member of Congress



Cliff Bentz  
Member of Congress



Russ Fulcher  
Member of Congress

Cc: Brenda Mallory, Chair, Council on Environmental Quality (CEQ)  
Richard Giacalone, Director, Federal Mediation and Conciliation Service (FMCS)  
Jennifer Granholm, Secretary, Department of Energy (DOE)  
Deb Haaland, Secretary, Department of Interior (DOI)  
Tom Vilsack, Secretary, United States Department of Agriculture (USDA)  
Richard Spinrad, Administrator, National Oceanic and Atmospheric Administration (NOAA)  
John Hairston, Administrator, Bonneville Power Administration (BPA)