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October 25, 2013

Stephen R. Oliver
Bonneville Power Administration

David Ponganis
U.S. Army Corps of Engineers

U.S. Entity
Columbia River Treaty
P.O. Box 3621
Portland, OR 97208-3621
emailto:treatyreview@bpa.gov

Re: Columbia River Treaty Draft Recommendation

Dear Mr. Oliver and Mr. Ponganis:

On behalf of the Washington Public Utility Districts Association (WPUDA) I appreciate the opportunity to provide comments on the Columbia River Treaty Draft Recommendation. The future of the Treaty is important to our members who provide electrical service to more than 600,000 residential, business and industrial customers across the State of Washington. Some of our members operate large hydroelectric projects on the Columbia River while others rely on power generated by the Federal based system to serve their communities. WPUDA is a member of the Columbia River Treaty Power Group, representing 6.4 million electric customers in the four Northwest states that are directly impacted by this Treaty, and supports the comments submitted by the Group regarding the Draft Recommendation.

In response to the latest Draft Recommendation, WPUDA would like to first encourage the U.S. Entity to ensure that any suggested modifications included in the final Recommendation to the U.S. State Department can be made within the confines of the existing treaty without requiring negotiation of a new treaty. WPUDA raised the concern to the U.S. Entity during the October 15, 2013 Public Discussion meeting in Olympia, Washington that adding an ecosystem management component as a primary third purpose to a treaty that was negotiated to address flood control and power supply may be in essence creating a new treaty. A new treaty would require lengthy negotiations and also require Senate ratification as per Article II, Section 2 of the United States Constitution. Further, if a new treaty is needed, it will require Congressional authorization and Congressional funding to implement the provisions of the treaty. The complexity of the process to negotiate a new treaty with an expanded scope and new funding requirements could adversely impact the ability to adequately address the primary issues related to the existing treaty.

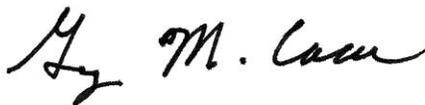
In addition, WPUA agrees with the Columbia River Treaty Power Group that the Draft Recommendation fails to adequately address the following two primary concerns and requires additional work:

- The U.S. Entity, in its attempt to craft a regional recommendation to the State Department, has failed to focus on and properly prioritize the fundamental need to reestablish an equitable distribution of power benefits between the U.S. and Canada. Unlike other resource priorities identified in the Draft Recommendation, this paramount issue—the amount of the Canadian Entitlement payment (together with determination of cross-border flood risk management cooperation post-2024)—can be resolved *only* between the U.S. and Canada.
- To the extent the U.S. Entity recommends to the State Department that a renegotiated Treaty should formally adopt ecosystem functions as a “third primary purpose” of the Treaty, that recommendation must recognize and *fully account for* efforts already being undertaken under existing federal and state programs to protect fish and wildlife resources in the Columbia River and its tributaries. This means that any effort to expand the Treaty to include ecosystem function must not interfere with or otherwise adversely affect these ongoing programs, as they are the result of publicly developed programs that have resulted in billions of dollars already invested by Northwest electric customers and hundreds of millions of dollars in fish and wildlife programs each year. In addition, the Draft Recommendation should clearly assert that domestic ecosystem issues - such as fish passage at Grand Coulee and Chief Joseph dams - are outside the scope of any renegotiated Treaty.

Additional information and detail regarding these two primary concerns are included in the comments submitted by the Columbia River Treaty Power Group.

Thank you for consideration of our comments. We hope they will be helpful to you as you seek to develop a regional consensus on this important issue. If you have any questions or require any additional information, please don't hesitate to contact me.

Sincerely,

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

George Caan, Executive Director
Washington Public Utility Districts Association
(360) 741-2680