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October 24, 2013

Mr. Stephen Oliver  
U.S. Entity Coordinator  
Bonneville Power Administration  
United States Entity  
P.O. Box 3621  
Portland, OR 97208-3621

Mr. David Ponganis  
U.S. Entity Coordinator  
U.S. Army Corps of Engineers  
United States Entity  
P.O. Box 3621  
Portland, OR 97208-3621

Dear Mr. Oliver and Mr. Ponganis:

Public Utility District No. 1 of Cowlitz County, WA appreciates the opportunity to provide comments on the U.S. Entity's September 20, 2013 Draft Recommendation for the future of the Columbia River Treaty (Treaty). Cowlitz PUD, founded in 1936, is a public utility district located in Longview, WA. It serves 48,500 electric customers in Cowlitz County, WA and is the second largest PUD in the state in terms of annual power sales.

Cowlitz PUD owns the 70-megawatt Swift No. 2 Hydroelectric Project on the North Fork of the Lewis River (WA). In addition, the PUD has partnered with other Washington and Oregon utilities to develop the 98.9-megawatt Harvest Wind and 205-megawatt White Creek Wind projects in the Columbia River Gorge.

Cowlitz PUD appreciates the U.S. Entity's efforts, since issuing the September 20, 2013 working draft recommendation, to better understand the concerns and interests of Northwest electric customers related to its effort to develop a regional recommendation for the U.S. Department of State (State Department). However, Cowlitz PUD's principal concerns are not adequately addressed in the Draft Recommendation: (1) prioritizing the Canadian Entitlement as the most important issue to address in any renegotiated Treaty; and (2) fully accounting for significant ongoing efforts in the Columbia River and its tributaries for fish and wildlife in any proposal to expand the Treaty to include ecosystem function. Cowlitz PUD's urges the U.S. Entity to closely examine and fully address these issues when developing its final recommendation to the State Department.

### **Canadian Entitlement**

The Canadian Entitlement was negotiated a half-century ago. The methodology for calculating this Entitlement no longer reflects current conditions, and it leads to a significantly inequitable result, detrimentally affecting Cowlitz PUD and Northwest electric customers. Accordingly, Cowlitz PUD strongly believes that rebalancing the Canadian Entitlement must be the single most important objective in the U.S. Entity's final recommendation to the State Department. Properly rebalancing the Entitlement in a manner that does not exceed one-half of the actual incremental power benefit achieved through a coordinated U.S./Canada operation will reduce burdens on Northwest electric customers and expand the availability of clean hydroelectric power in the region. The Entitlement is an inherently international



issue, and it can be resolved *only* between the U.S. and Canada. It is also a very important economic issue for this region.

Unfortunately, the Draft Recommendation seems to lose sight of the singular importance of the Canadian Entitlement by promoting Treaty expansion to include ecosystem function. Cowlitz PUD is troubled by the U.S. Entity's proposed shift in Treaty priority. While Cowlitz PUD is proud of its environmental stewardship, fish and wildlife resources are protected and managed through robust federal and state regulatory programs. By contrast, resolution of the Canadian Entitlement is an international issue that must be resolved between the U.S. and Canadian. As such, the U.S. Entity—instead of exerting significant resources on domestic ecosystem issues—should be focused intently on analyzing the problems in the current Entitlement methodology, identifying possible solutions for correcting these problems, and developing a recommendation for resolution with Canada at the earliest possible time.

Cowlitz PUD urges the U.S. Entity to clearly promote the rebalancing of the Canadian Entitlement as the paramount priority in its final recommendation to the State Department.

### **Ecosystem Function**

Cowlitz PUD is concerned that the ecosystem function described in the Draft Recommendation is vague and does not adequately account for the substantial investments of time and resources which Cowlitz PUD and others have undertaken for the protection and management of wildlife and fish resources. The uncertainties associated with ecosystem function, as presented in the Draft recommendation, present significant risk to these important programs and the corresponding investments incurred by electric customers in the Northwest.

Substantial programs have been implemented in the Columbia River and its tributaries to protect and manage fish and wildlife resources—at a significant cost to Northwest electric customers. Cowlitz PUD supports salmon recovery, but it also believes this recovery must be done in a reasonable, cost-effective manner. The success of any salmon recovery program should not be measured by how much money is spent, but rather by the results of that recovery effort. Cowlitz PUD is concerned that any proposal to inject ecosystem functions at the Treaty level could have unintended consequences, interfering with the well-established and ongoing efforts, and detrimentally affecting the very resources that a Treaty-imposed ecosystem function would seek to protect.

For this reason, any final Recommendation to the State Department related to ecosystem function should protect Northwest electric customers' substantial investments in fish and wildlife by carefully accounting for all ongoing efforts in the Basin, and the U.S. Entity should ensure that its Recommendation does not inadvertently conflict with, undermine, or disrupt ongoing programs. Such efforts include the Federal Columbia River Power System Biological Opinion, the Columbia Basin Fish Accords, Habitat Conservation Plans, and requirements of Federal Energy Regulatory Commission hydropower project licenses.

Cowlitz PUD also believes the U.S. Entity should consider the following issues as well when developing its final recommendation to the State Department:

- Non-treaty storage agreements and ecosystem actions: Cowlitz PUD believes there may be benefits for both the U.S. and Canada in bringing existing non-Treaty actions such as storage



agreements into a renegotiated framework; however, this may trigger a more formal review and approval process.

- Fish passage: Cowlitz PUD believes the proposed construction and operation of fish passage facilities at Chief Joseph and Grand Coulee dams is a domestic issue best addressed through domestic laws and regulations. A reconnaissance study regarding fish passage to Canada would require Congressional authorization and appropriations, and should not be included in negotiations.
- Flood Risk Management: Cowlitz PUD places a high priority on public safety, and we believe a modernized Treaty should maintain flood management similar to current levels. Funding should be consistent with national flood risk policy, with local cost-sharing as appropriate.
- Climate Change: Cowlitz PUD believes any “adaptive management” or “mitigation” activities, as contemplated in the Draft Recommendation, should respond to scientifically demonstrable adverse changes in ecosystem resources or hydropower production clearly attributable to climate conditions.
- Irrigation and Water supply: Cowlitz PUD believes a modernized Treaty should not change flows to the detriment of existing water rights established under state or federal law. Additionally, any future decisions pertaining to water supply must include holders of existing rights.
- Navigation: Cowlitz PUD believes any proposed changes in flows should be studied in detail to determine any potential impact on river navigation, including operational restrictions and river dredging.
- Domestic matters: Cowlitz PUD believes that Columbia River power producers should be represented in any Domestic Advisory Forum which the State Department creates. Our customers pay for the Canadian Entitlement each year, and will be directly impacted in every subsequent year if the Entitlement is not rebalanced.
- Additional areas of discussion for the U.S. and Canada: Cowlitz PUD strongly believes that language from the September 20, 2013 working draft recommendation regarding “other options” if agreement on key principles is not obtained by next year should be reinserted into the Final Recommendation of the U.S. Entity to the State Department. The Treaty contemplates termination after sixty years, and this option should remain available in engaging with Canada.

## Conclusion

The Draft Recommendation attempts to address several issues raised by Cowlitz PUD and other stakeholders, in both written comments and in meetings with the U.S. Entity. We appreciate the work which has gone into the revision process. However, Cowlitz PUD believes the Canadian Entitlement must be the highest priority in the U.S. Entity’s final recommendation, as this issue can be resolved *only* through negotiations between the U.S. and Canada. Additionally, ongoing fish and wildlife programs should be fully analyzed and protected in any final recommendation to the State Department related to ecosystem function.

Cowlitz PUD appreciates the opportunity to comment on this important matter. We encourage the U.S. Entity and the State Department to continue to work with the Columbia River Treaty Power Group, of which Cowlitz PUD is a member. Cowlitz PUD remains ready to discuss these issues in greater depth, and to work towards reaching a truly regional final recommendation. Please feel free to contact me at (360) 577-7583 or at [dmcmaster@cowlitzpud.org](mailto:dmcmaster@cowlitzpud.org) if you have any questions regarding the issues raised in this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald R. McMaster". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald McMaster  
General Manager  
Cowlitz PUD  
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