



Confederated Tribes of Warm Springs, Oregon  
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January 22, 2024

VIA E-MAIL: [JLHAIRSTON1@BPA.GOV](mailto:JLHAIRSTON1@BPA.GOV); [TECHFORUM@BPA.GOV](mailto:TECHFORUM@BPA.GOV)

John Hairston  
Administrator  
Bonneville Power Administration  
P.O. Box 3621  
Portland, OR 97208-3621

Re: Bonneville Power Administration Commitments in Support of the Columbia Basin Restoration Initiative and in Partnership with the Six Sovereigns

Dear Administrator Hairston:

The Confederated Tribes of the Warm Springs Reservation of Oregon (“CTWS”) appreciates the longstanding sovereign relationship we have with Bonneville Power Administration (“BPA”). We were pleased to host you and your team for a Government-to-Government Consultation in June of last year, where you could see first-hand the demonstrable commitments that CTWS is making to advance socially just, salmon-friendly power in the Deschutes basin. We are also encouraged by the U.S. Government, including BPA, “Commitments in Support of the ‘Columbia Basin Restoration Initiative’ and in Partnership with the Six Sovereigns”<sup>1</sup> (“USG Commitments”) (December 14, 2023). The USG Commitments embody meaningful commitments that flow out from the September 27, 2023 Presidential Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin, which establishes as a policy of the Biden Administration

*“to pursue effective, creative, and durable solutions informed by Indigenous Knowledge, to restore healthy and abundant salmon, steelhead and other native fish populations in the Basin; to secure a clean and resilient energy future for the region; to support local agriculture and its role in food security domestically and globally; and to invest in the communities that depend on the services provided by the Basin’s Federal dams to enhance resilience to changes to the operations of the [Columbia River System], including those necessary to address changing hydrological conditions due to climate change.”*

***To be consequential, however, the USG Commitments must first be reflected in BPA decision-making.***

In July of last year, BPA initiated a public engagement for establishing a policy direction on potential day-ahead market participation. While this process has considered technical data pertaining to regional market participation, the information considered in this process is incomplete. Not only should BPA address data gaps identified by numerous commentators—which it acknowledges by establishing a

<sup>1</sup> The Six Sovereigns include CTWS, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, the Yakama Nation and the states of Oregon and Washington.

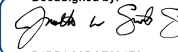


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second phase study, it is imperative that BPA first adjust the policy framework for its decision-making. That is because, on December 14, 2023, when BPA joined the USG Commitments, it committed to “a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels, honoring Federal commitments to Tribal Nations, delivering affordable and reliable clean power, and meeting the many resilience needs of stakeholders across the region.” Adjusting regional market participation would likely have lasting impacts on implementation of BPA’s obligations to deliver a “clean and resilient energy future for the region.”

Understandably in light of the recent nature of the USG Commitments, we have no indication that BPA has considered the USG Commitment policy framework in its day-ahead market participation evaluation. Yet, BPA still appears poised to hold a workshop on February 1, 2024, to establish a policy direction. This appears incongruent. Instead, we request that BPA slow its process down and refrain from any policy direction or other decision on the day-ahead market until it has fully evaluated how the USG Commitments affect BPA decision-making standards in this matter. Importantly, we believe that BPA must also evaluate this in engagement with the Six Sovereigns to ensure a common understanding of the considerations presented by such a decision relative to BPA’s commitments.

Sincerely,

DocuSigned by:  
  
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Jonathan W. Smith, Sr.  
Chairman, CTWS Tribal Council

EG

cc: Robert A. Brunoe  
Cathy Ehli

