

Congress of the United States
Washington, DC 20515

March 16, 2018

The Honorable Patty Murray
United States Senator
154 Russell Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
United States Senator
511 Hart Senate Office Building
Washington, DC 20510

Dear Senators Murray and Cantwell,

We implore you as Washington's U.S. Senators to assist our efforts to place a pause on the impending spill order mandated to begin April 3, 2018 at the eight lower Snake River and lower Columbia River dams. We respectfully ask for your support of our language in the upcoming Fiscal Year 2018 Appropriations legislation to safeguard the Federal Columbia River Power System (FCRPS) while the ongoing litigation in the 9th Circuit Court runs its course. While we understand this pending legal process is still taking place, we believe it is paramount as a co-equal branch of government for Congress to ensure actions conducted within the FCRPS are solely based upon the best-available science.

The 2014 Biological Opinion (BiOp) was the product of unprecedented collaboration between the scientists and engineering experts at our federal agencies, President Obama's Administration, the states, and the sovereign Northwest tribes. While we fully acknowledge the judicial system's role in the application of the law, we do not accept that one federal judge knows how to better operate our federal hydropower system than the scientists and engineering experts at our federal agencies; nor do we accept that Congress, which makes the laws, should cede its constitutional power to legislatively clarify the proper intent and functioning of statutory laws.

We are very concerned by the unintended consequences this forced spill order could have on our shared constituents, as well as the rest of the Pacific Northwest. The three FCRPS Action Agencies—the Army Corps of Engineers (Corps), Bonneville Power Administration (BPA), and Bureau of Reclamation (BOR)—have estimated that should the additional forced spill begin on April 3rd, Pacific Northwest ratepayers could face a \$40 million price tag in increased rates this year alone.

There are other serious potential consequences of Judge Simon's forced spill order. The 2014 Supplemental Biological Opinion states that increased spill would have "biological, physical and/or structural, and potential adverse consequences for the combined Federal power and transmission system." BPA notes, "the risks of exposing fish to the maximum TDG [total dissolved gas] level throughout the duration of the spring migration period have not been evaluated, nor has it been recommended by NMFS [National Marine Fisheries Service] or the Corps. The potential for adverse effects from exposure to increased system-wide TDG levels is a concern recognized by experts in the region and also creates risk of adverse consequences for other aquatic species." The BiOp was developed to protect the very fish species Judge Simon's unscientific order could now harm.

We also believe there will be detrimental structural impacts that will decrease safety and impair navigation within the FCRPS. BPA states, "high levels of spill are known to pull large rocks into the spillway stilling basin and erode concrete near the base of the spillway... The Corps is assessing other projects to determine the potential for increased erosion of dam features at other dams due to increased spill. It is important to note that the spillways at each of the eight fish passage dams on the lower Snake and lower Columbia Rivers were not designed to pass large amounts of spill..." BPA adds, "...increased spill would likely be a negative impact to navigation during the spring. Spill operations are known to impact safe navigation at a number of downstream navigation lock approaches at the projects in the lower Snake and Columbia Rivers... It is anticipated that higher spill percentages will increase the number and duration of spill curtailments for barge and cruise ship traffic."

Finally, by allowing for the forced spill, we could see potential impacts to the reliability of the federal power and transmission system. By operating the lower Snake and lower Columbia Rivers at diminished levels, we will decrease the ability to utilize the hydropower system to meet peak demand and increase the risk of disruption. As you well know, over 70% of Washington's electricity comes from clean, renewable hydropower—the impact on our power system will not only affect our Districts, but rather all of Pacific Northwest ratepayers.

This is simply not worth the risk. We must come to the aid of our constituents to stop the \$40 million bill that could land on their backs this year alone. Using the legislative language we have developed through many months of working through the technical assistance provided by the Corps, BPA, and BOR, we can ensure our energy infrastructure, transportation and barging systems, flood control capabilities, irrigation systems, our economy, and in fact—the very fish species the BiOp was developed to protect—shall not be harmed by this reckless order for forced additional spill. We again implore you to join our efforts.

Sincerely,



Dan Newhouse
Member of Congress



Cathy McMorris Rodgers
Member of Congress



Jaime Herrera Beutler
Member of Congress