Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

In reply refer to: BPA-2025-03770-F (Hussain)

October 23, 2026

SENT VIA EMAIL ONLY TO: Possible PII Protected

Grace Hussain
Sentient Media
Possible PII Protected

Dear Ms. Hussain,

This communication is the Bonneville Power Administration's (BPA) final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). Your request was received on July 17, 2025, and formally acknowledged on August 12, 2025.

Request
You seek, [records dated] between January 20, 2021, and [July 17, 2025, to include] any and all documentation that the BPA possesses, from whatever source and in whatever form, electronic or otherwise[, including] correspondence to or from BPA, meeting logs, meeting agendas, meeting summaries, and meeting minutes related to [:]

> • the Columbia Basin Restoration Initiative (CBRI), and/or
> • the Presidential Memo (PM) "Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin."

Response
BPA searched for and gathered records responsive to your request from the knowledgeable subject matter experts in the agency's General Counsel; Regional Relations; and Environment, Fish and Wildlife offices. Accompanying this communication are 215 pages of responsive agency records (213 pages in the PDF and two Excel spreadsheets) with the following redactions applied:

- 10 redactions under 5 U.S.C. § 552(b)(4) (Exemption 3)
- 48 redactions under 5 U.S.C. § 552(b)(4) (Exemption 4)
- 136 redactions under 5 U.S.C. § 552(b)(4) (Exemption 5)
- 36 redactions under 5 U.S.C. § 552(b)(6) (Exemption 6)

A more detailed explanation of the applied exemptions follows.

Explanation of Withholdings and Exemptions
The FOIA generally requires the release of all agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 3
Exemption 3 serves to incorporate nondisclosure provisions that are contained in other federal statutes. Exemption 3 applies when one of two disjunctive requirements are met: the other federal statute either "requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue" or "establishes particular criteria for withholding or refers to particular types of matters to be withheld" (5 U.S.C. § 552(b)(3)(A). The relevant statute here is 28 U.S.C. § 652(d), which requires federal district courts to ensure confidentiality in alternative dispute resolution processes until formal rules are adopted under Chapter 131. The record set includes confidential mediation records and BPA relies on Exemption 3 to withhold these records from public release.

Exemption 4
Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C. § 552(b)(4)). Information is considered commercial or financial in nature if it relates to business or trade. This exemption is intended to protect the interests of both the agency and third-party submitters of information. Prior to publicly releasing agency records, BPA was required by Exemption 4 to solicit objections to the public release of any third party's confidential commercial information contained in the responsive records set. BPA provided third parties, specifically the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, the Nez Perce Tribe, the State of Oregon, and the State of Washington, with an opportunity to formally object to the public release of their information contained in BPA records. These third parties objected to the release of their confidential commercial information, and BPA accepted those objections, based on guidance available from the U.S. Department of Justice. BPA is withholding a draft proposal, a memorandum, and slide deck regarding the Columbia Basin Restoration Initiative submitted by these third parties to the government. The FOIA does not permit a discretionary release of information otherwise protected by Exemption 4.

Exemption 5
Exemption 5 protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency" (5 U.S.C. § 552(b)(5)). In plain language, the exemption protects privileged records.

Deliberative Process Privilege
The deliberative process privilege protects records showing the deliberative or decision-making processes of government agencies. Records protectable under this privilege must be both pre-

decisional and deliberative. A record is pre-decisional if it is generated before the adoption of an agency policy. A record is deliberative if it reflects the give-and-take of the consultative process, either by assessing the merits of a particular viewpoint, or by articulating the process used by the agency to formulate a decision. Here, BPA relies on Exemption 5 to protect internal discussions related to Columbia River System operations, and settlement discussions, including internal comments on draft documents for internal discussion purposes prior to a final decision, the release of which would cause public confusion. BPA has considered and declined a discretionary release of some pre-decisional and deliberative information in the responsive records set because disclosure of that information would harm the interests and protections encouraged by Exemption 5.

Attorney Work-Product
The attorney work-product privilege protects agency records prepared in anticipation of foreseeable litigation, including civil, criminal, and administrative proceedings. In this case, BPA asserts Exemption 5 to protect documents created by attorneys involved in the Federal Mediation and Conciliation Service process.

Attorney-Client Privilege
The attorney-client privilege protects confidential communications between an attorney and a client relating to a legal matter for which the client has sought professional advice. The privilege encompasses facts provided by the client and opinions provided by the attorney. In this case, BPA asserts Exemption 5 to protect communication between staff and attorneys related internal discussions related to Columbia River System operations and settlement discussions.

Exemption 6
Exemption 6 serves to protect Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. BPA does not find an overriding public interest in the release of the information redacted under Exemption 6—specifically, cell phone numbers, physical signatures, and personal leave plans. This information sheds no light on the executive functions of the agency and BPA finds no overriding public interest in its release. BPA cannot waive these redactions, as the protections afforded by Exemption 6 belong to individuals and not to BPA.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees
There are no fees associated with processing your FOIA request.

Certification
Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and response described above. Your records request is now closed with the responsive records provided.

Appeal
Note that the records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or 503-230-7621. Questions may also be directed to E. Thanh Knudson, Case Coordinator (ACS Staffing Group), at 503-230-5221 or etknudson@bpa.gov.

Sincerely,

Candice D. Palen
Freedom of Information/Privacy Act Officer

Attachments / Enclosures: Agency records responsive to FOIA request BPA-2025-03770-F accompany this communication.

From: Mirick, Patrick P <patrick.mirick@pnnl.gov>
Sent: Friday, June 2, 2023 8:10 AM
To: Barrow, Brandon E; Bloomer, Laura A; Cordan, R. Nicole N. EOP/OMB; D'Ambrosio, Jocelyn M (NOC); frances.e.coffey@usace.army.mil; Daly, Gabriel; Gout, Elise C. EOP/WHO; Morrison, Hugh R; James Ralph (james.ralph@hq.doe.gov); janet.coit@noaa.gov; jay.govindan@usdoj.gov; Carrington, Jennifer J; Baumann, Jeremiah (DOE HQ); Hairston,John L (BPA) - A-7; Gordon, Judith; Justin.R.Pidot@ceq.eop.gov; kate_kelly@ios.doi.gov; Lorri.J.Gray@usace.army.mil; McClendon, Hayley F; Ardis, Melissa; michael.l.connor10.civ@army.mil; Tehan, Michael (NOAA); Mirick, Patrick P; Pfaeffle, Frederick; robert.anderson@sol.doi.gov; robyn.s.colosimo.civ@army.mil; Sara.R.Gonzalez-Rothi@ceq.eop.gov; Seth.Barsky@usdoj.gov; Armentrout,Scott G (BPA) - E-4; Smail, Jill R; tanya_trujillo@ios.doi.gov; walker.smith@noaa.gov; zachary.penney@noaa.gov
Cc: Zelinsky,Benjamin D (BPA) - E-4; bradley.e.thompson@usace.army.mil; chris.mcnulty; Dan Feil (US ACE); BrittonKuttel, Erin; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA); Wilson, Frank S; Turner, Frederick H (USDOJ); Bottcher, Jared L; Leary,Jill C (BPA) - LN-7; Williamson, Jeremiah I; Holm, Leanne V (USACE); Godwin,Mary E (BPA) - LN-7; Eitel, Michael R (USDOJ); Mike Clark FWS (michael_l_clark@fws.gov); ritchie.graves; Springer, Roland K; ryan.couch; Hoefer, Scott E; Engels, Sommer H (USDOJ); Dykstra, Timothy A (USACE)
Subject: [EXTERNAL] 6 Sovereigns framework
Attachments: (b)(3)

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Sent: Friday, June 2, 2023 8:02 AM
To: Barrow, Brandon E <bbarrow@usbr.gov>; Mirick, Patrick P <patrick.mirick@pnnl.gov>
Subject: Please send to PI/NI: 6 Sovereigns framework

(b)(5)

(b)(3), (b)(5)

-SGR

From: Philibeck Matt <mphilibeck@fmcs.gov>
Sent: Friday, June 2, 2023 10:38 AM
To: Coffey, Frances E (Beth) SES USARMY CENWD (USA) <Frances.E.Coffey@usace.army.mil>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Subject: RE: [EXTERNAL] 6 Sovereigns framework

Please see attached.

Matt Philibeck
Commissioner
Serving the State of New Mexico

Federal Mediation and Conciliation Service (FMCS)
(505) 225-2551 (O)
(b)(6) (M)
mphilibeck@fmcs.gov

FMCS services also offered virtually! Click HERE to learn more.

From: Coffey, Frances E (Beth) SES USARMY CENWD (USA) <Frances.E.Coffey@usace.army.mil>
Sent: Friday, June 2, 2023 8:36 AM
To: Philibeck Matt <mphilibeck@fmcs.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Subject: [EXTERNAL] 6 Sovereigns framework

Matt - (b)(6) As member of Policy team and since I have participated in those meetings could you please send it to me? Thanks Beth

Beth Coffey, SES
Director, Programs
Northwestern Division - Corps of Engineers
503-808-3730 office
(b)(6) cell

CAUTION: **This email originated EXTERNALLY - Please think before clicking on any links, opening attachments or replying.**

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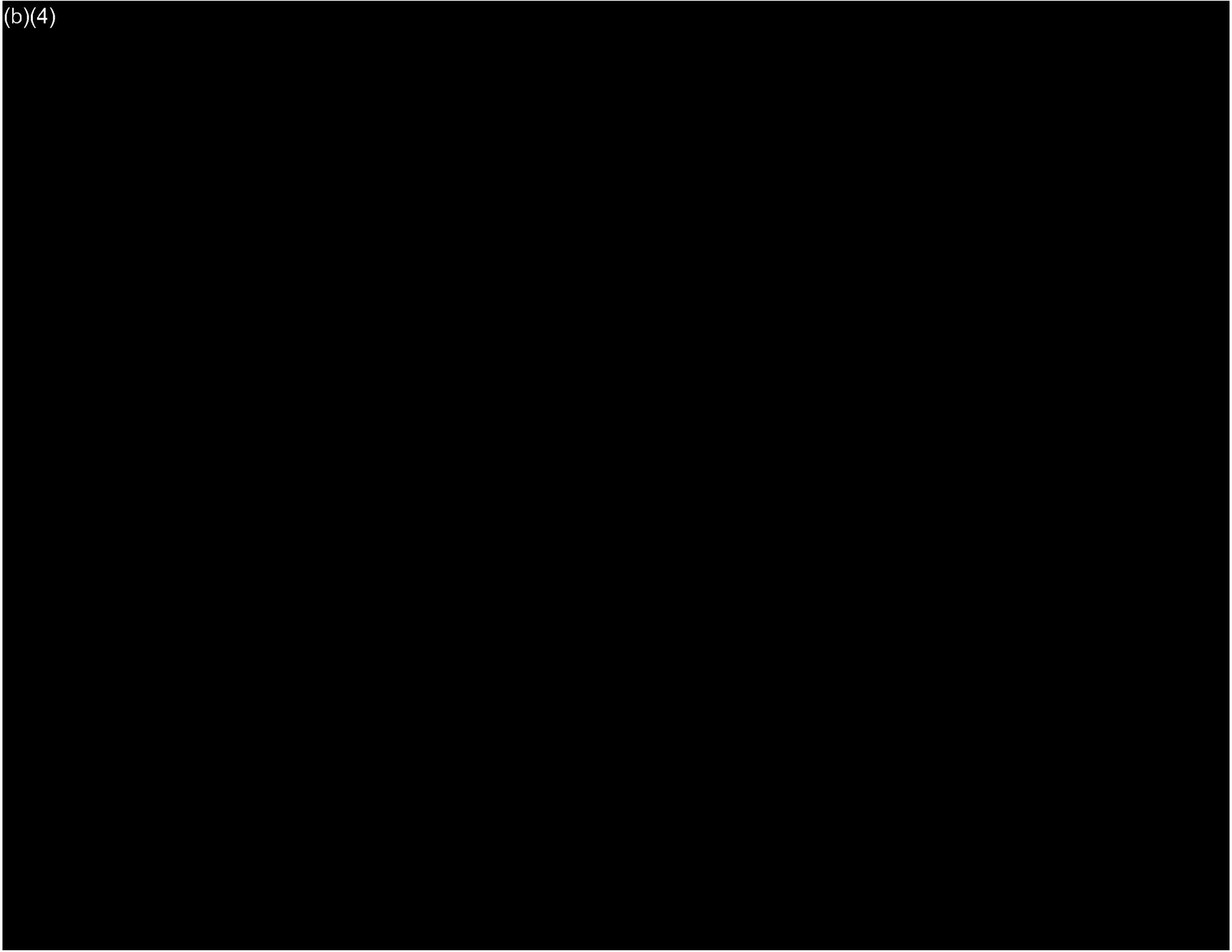
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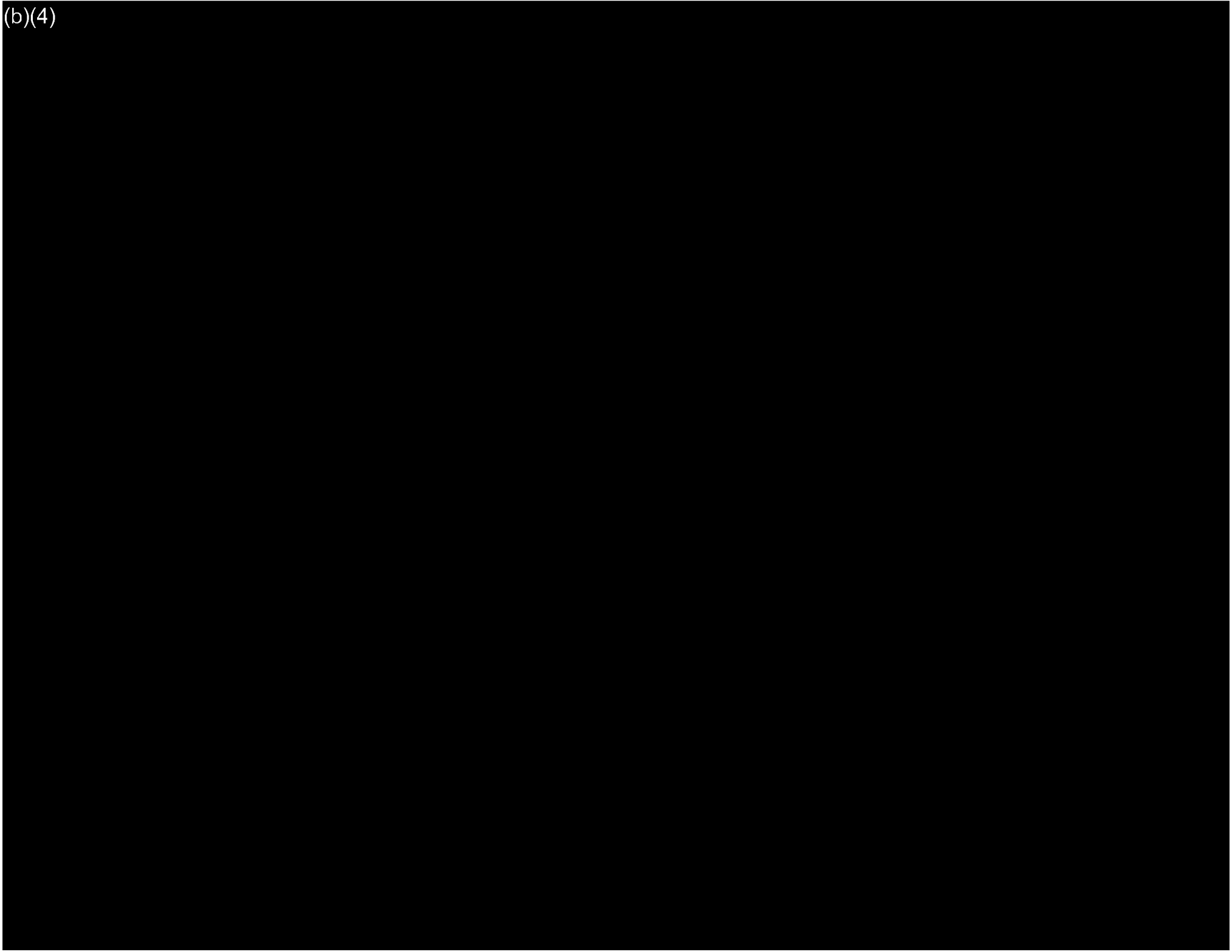
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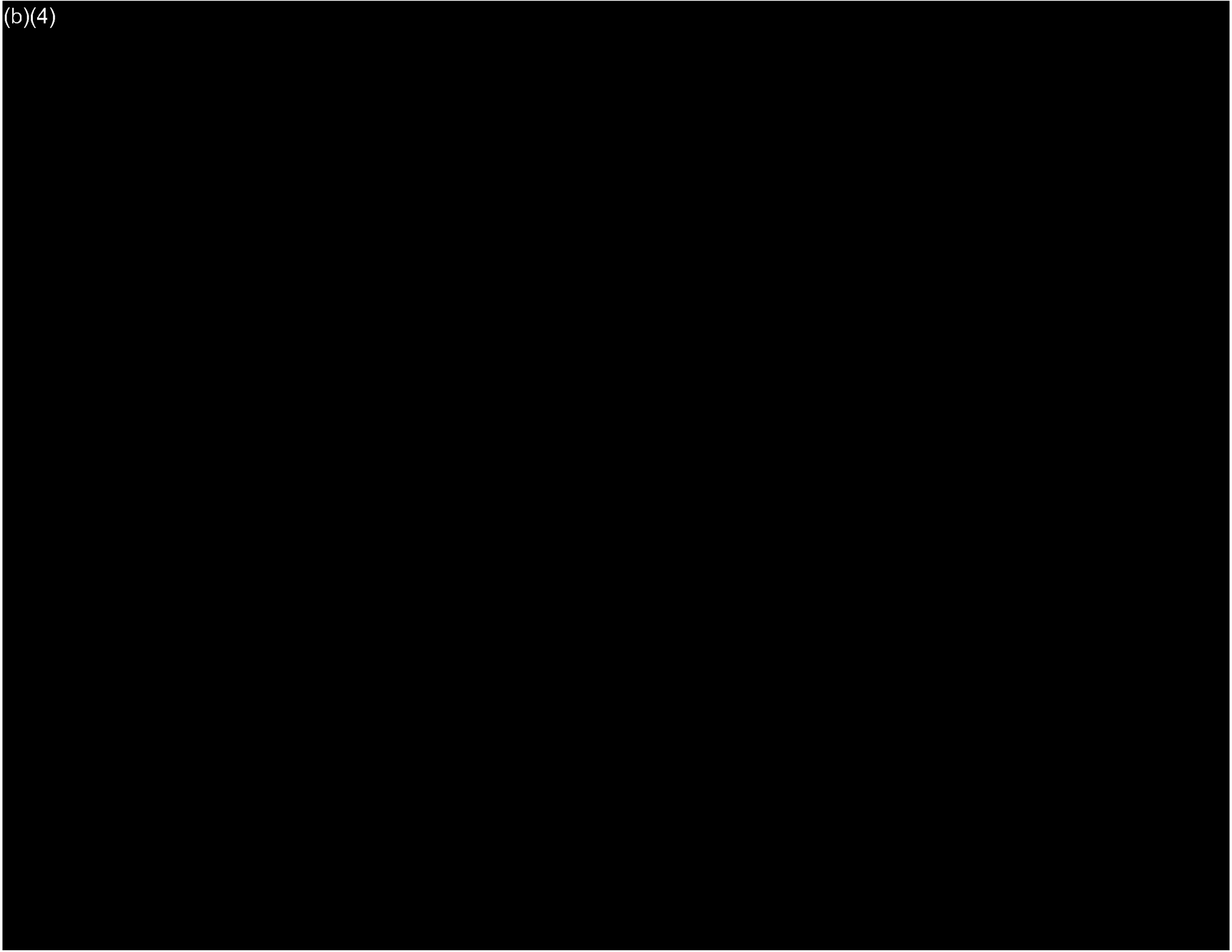
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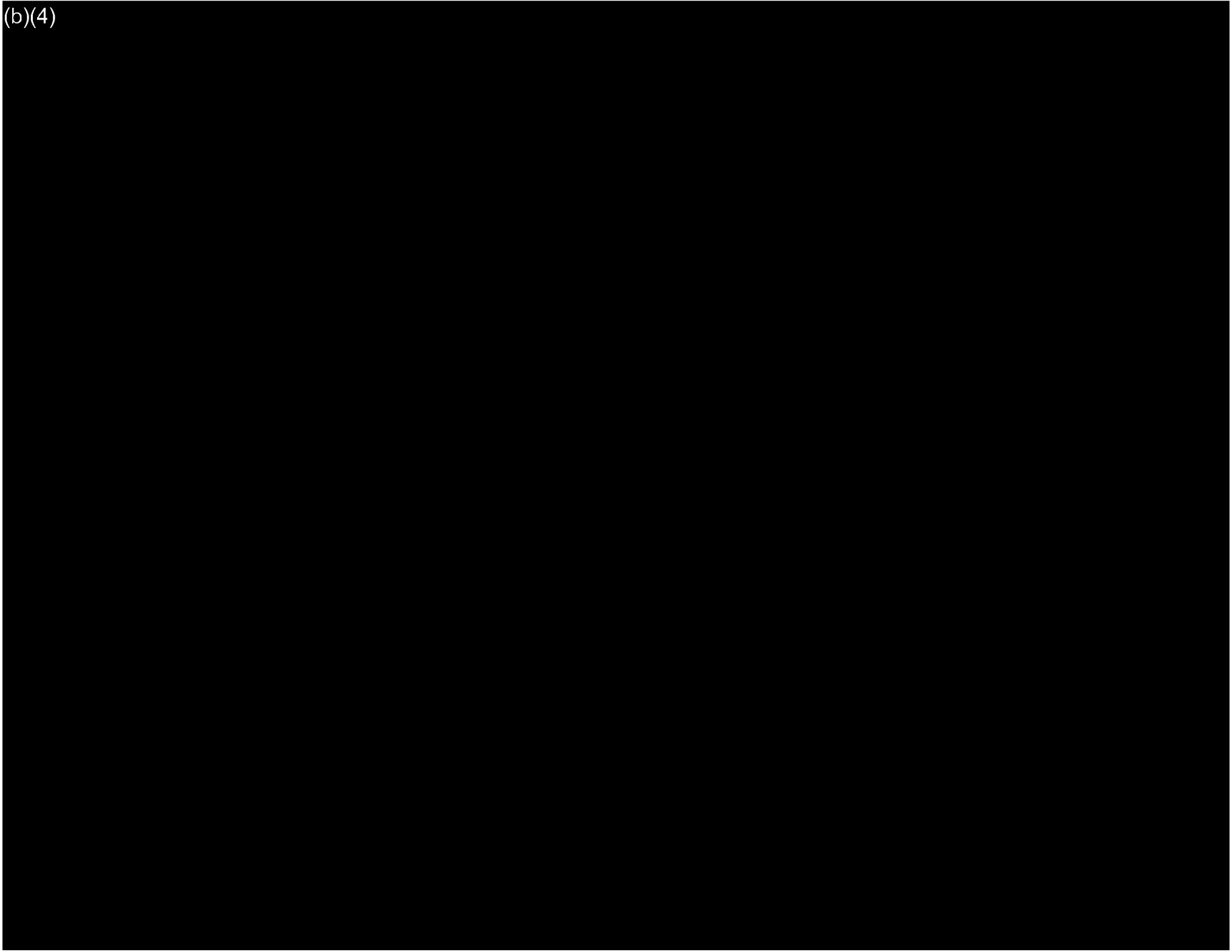
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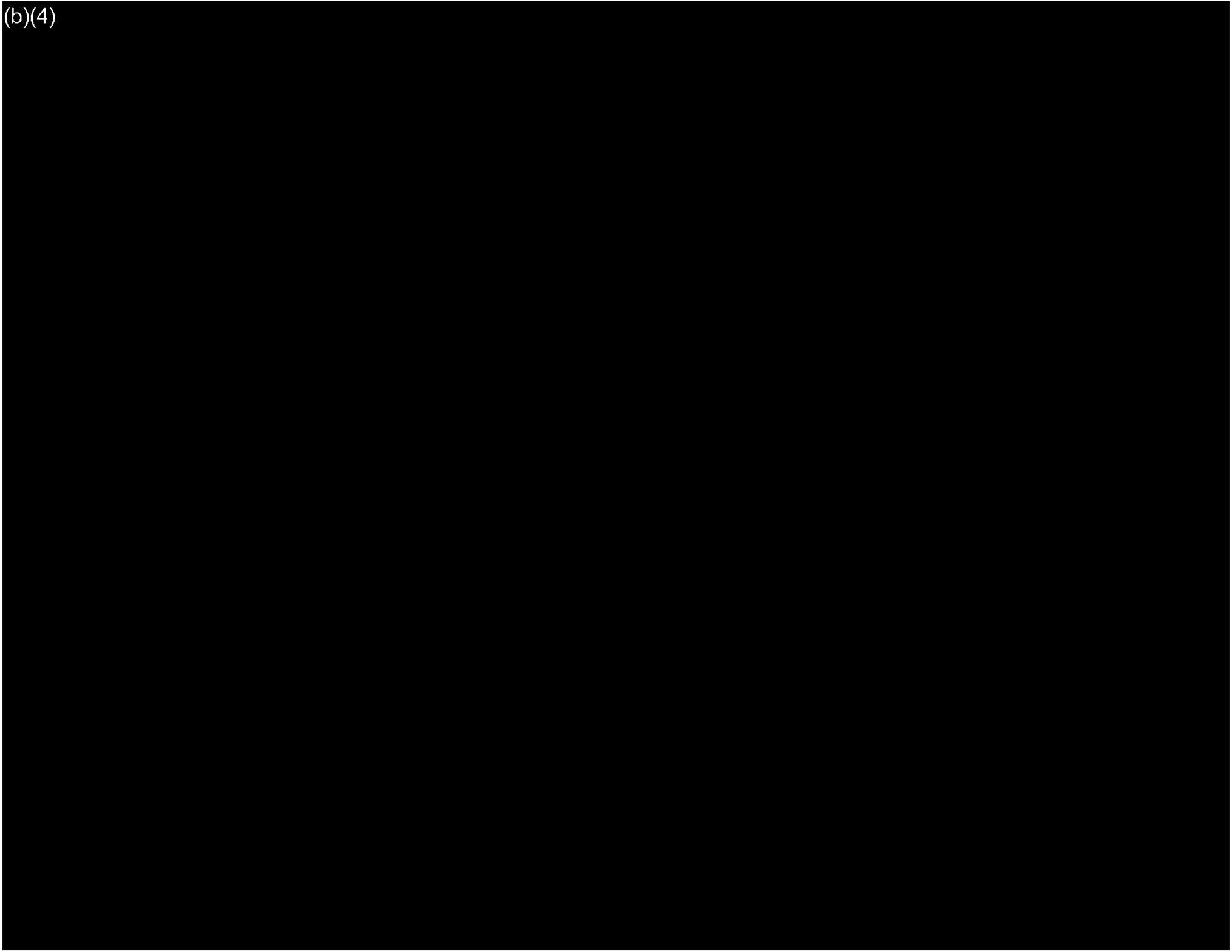
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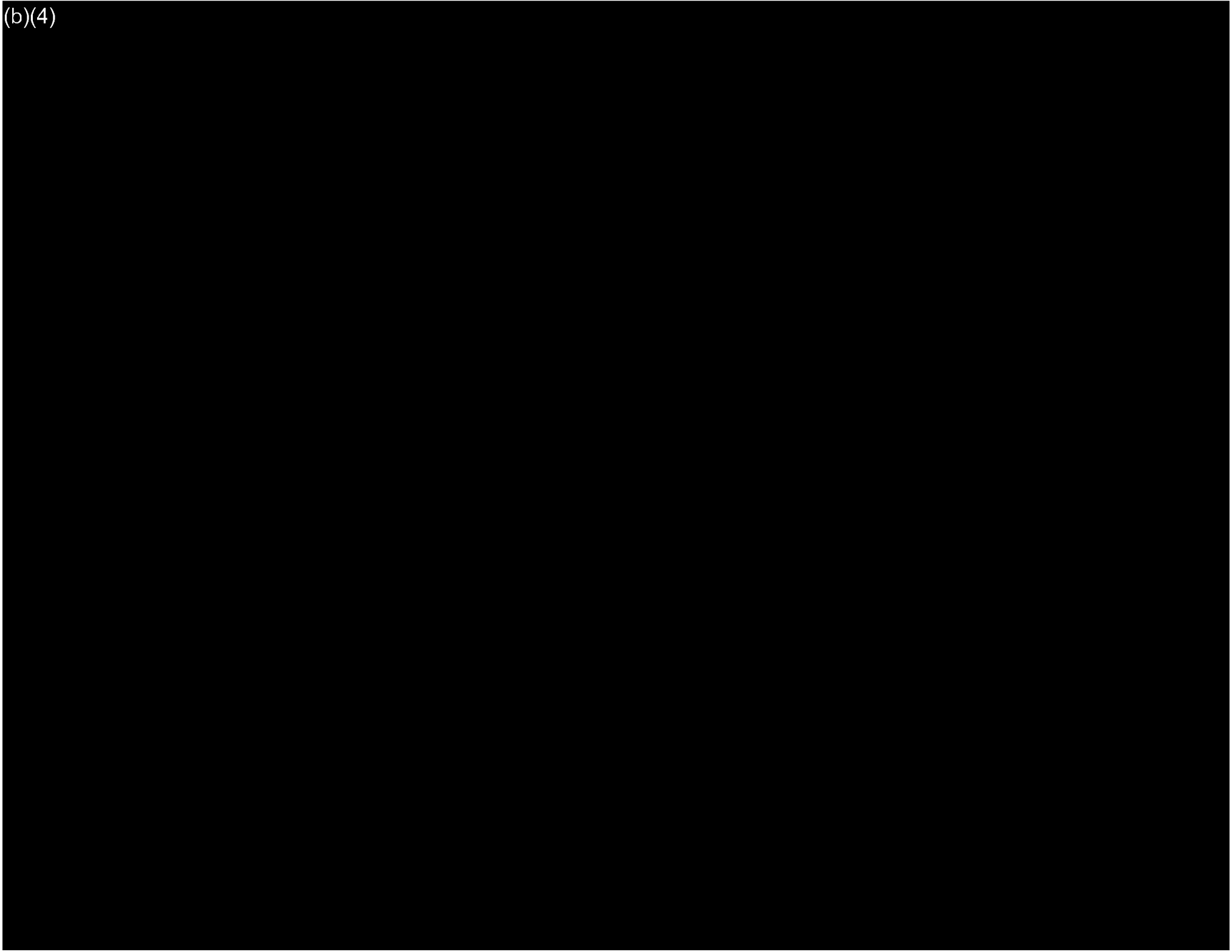

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From: Barrow, Brandon E <bbarrow@usbr.gov>
Sent: Friday, June 16, 2023 9:12 AM
To: Beth Coffey; Leanne Holm; Tim Dykstra; Brad Thompson; Dan Feil (US ACE); Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4; Godwin,Mary E (BPA) - LN-7; Leary,Jill C (BPA) - LN-7; Springer, Roland K; Williamson, Jeremiah I; Carrington, Jennifer J; Hoefer, Scott E; Morrison, Hugh R; Gordon, Judith; Bottcher, Jared L; BrittonKuttel, Erin; Wilson, Frank S; Michael Tehan; Ryan Couch; Ritchie Graves; Chris McNulty; Michael (Mike) Eitel; Sommer Engels; Fred Turner; Jocelyn D'Ambrosio; Lorri Gray; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA); Philpott, Romney (ENRD)
Cc: Mirick, Patrick P
Subject: [EXTERNAL] Re: FMCS Med: P2IP Written and LSR Crosswalk
Attachments: Crosswalk 6 sovs v USG framework_for NT annotation (3).docx

NT,

Apologies, I attached the wrong LSR version. Please see the attached, which is the correct version for use during today's NT meeting.

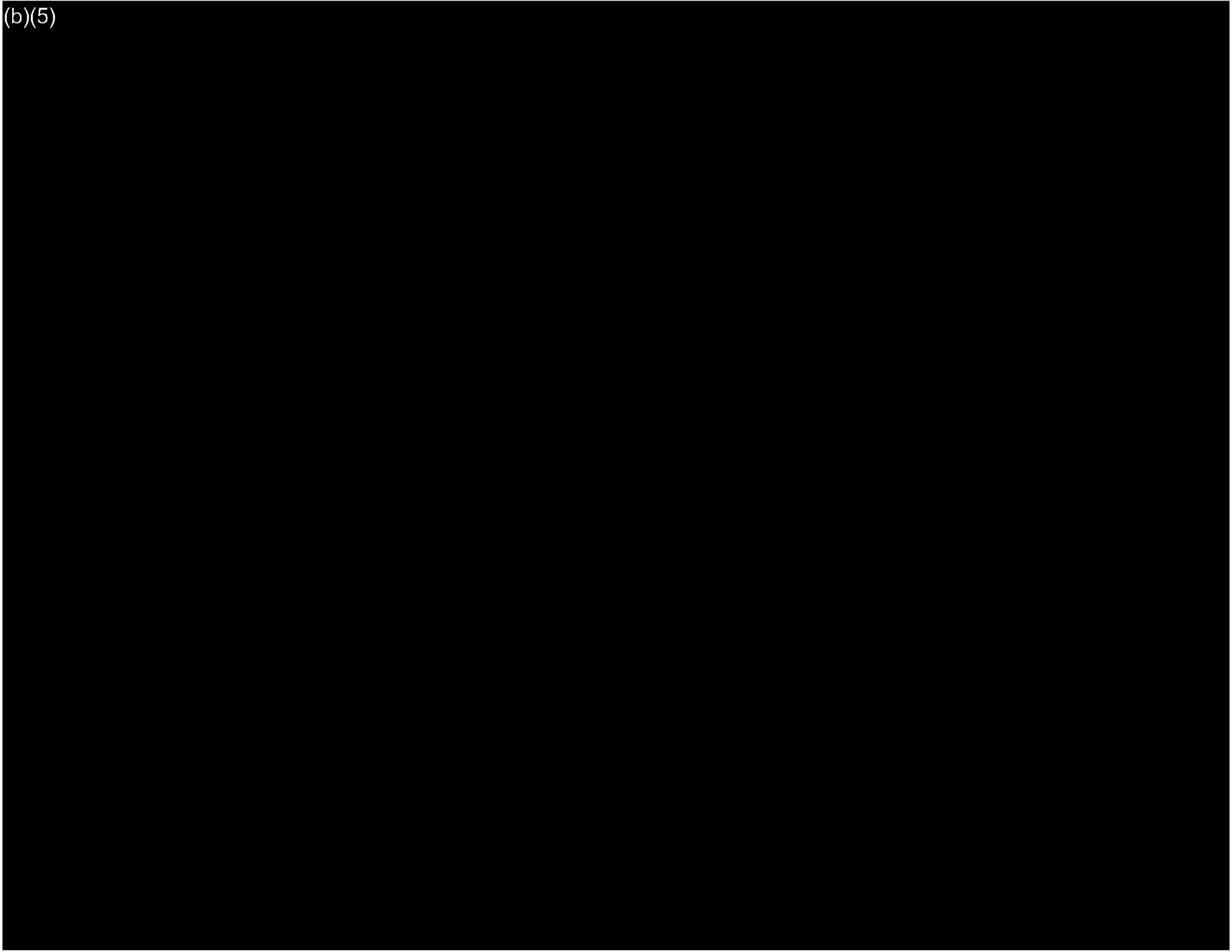
From: Barrow, Brandon E
Sent: Thursday, June 15, 2023 5:24 PM
To: Beth Coffey ; Leanne Holm ; Tim Dykstra ; Brad Thompson ; Dan Feil ; Scott Armentrout ; Ben Zelinsky ; Mary Godwin ; Jill Leary ; Springer, Roland K ; Williamson, Jeremiah I ; Carrington, Jennifer J ; Hoefer, Scott E ; Morrison, Hugh R ; Gordon, Judith ; Bottcher, Jared L ; BrittonKuttel, Erin ; Wilson, Frank S ; Michael Tehan ; Ryan Couch ; Ritchie Graves ; Chris McNulty ; Michael (Mike) Eitel ; Sommer Engels ; Fred Turner ; Jocelyn D'Ambrosio ; Lorri Gray ; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) ; Philpott, Romney (ENRD)
Cc: Mirick, Patrick P
Subject: FMCS Med: P2IP Written and LSR Crosswalk
NT,

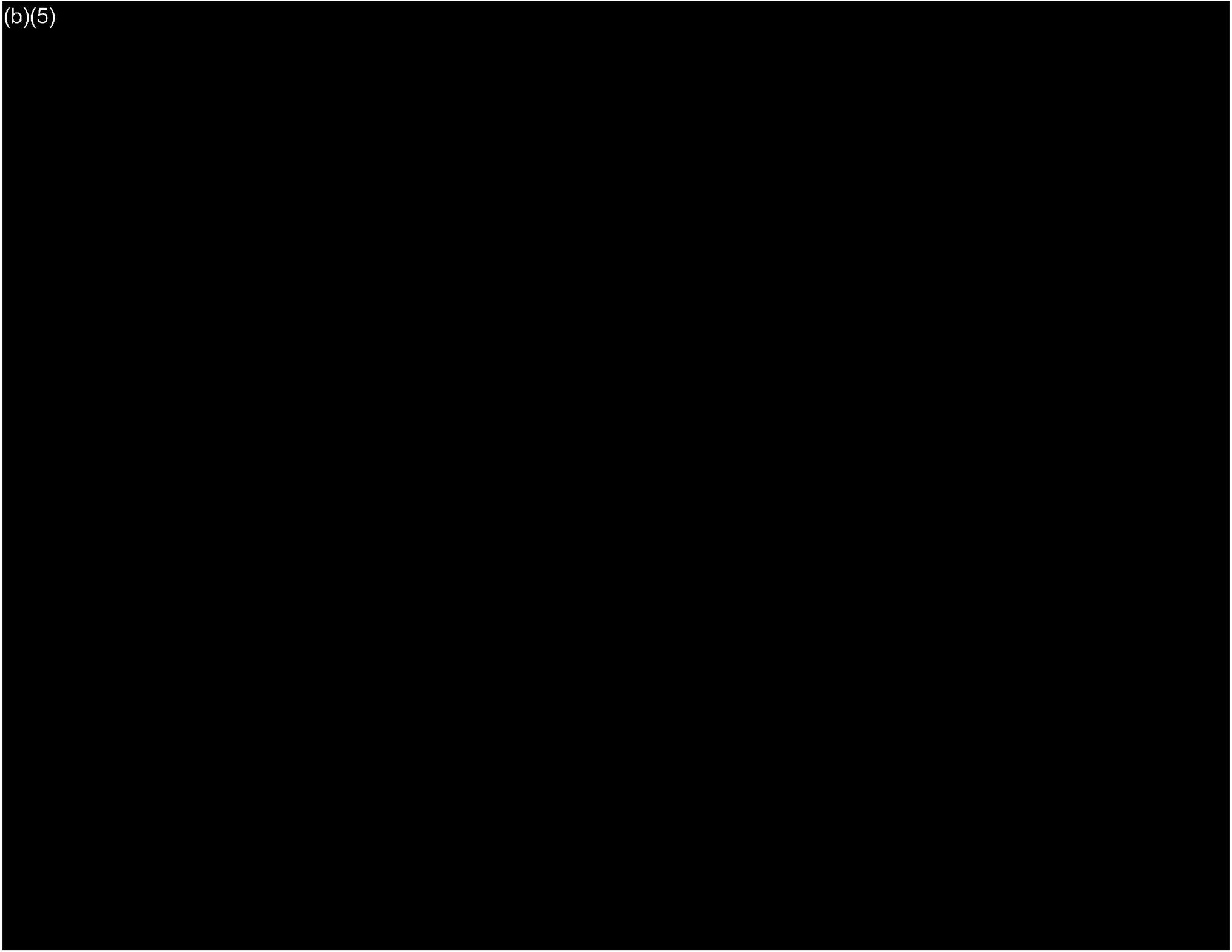
Thanks for all the work so far this week. Attached you will find the P2IP Agreement Written Feedback document that was download on 6/15 as of 5:10pm PST. Also attached is the LSR Crosswalk that was downloaded on 6/15 at 5:11pm PST. These are the most up to date versions (Corps responses are included) and pending any edits tonight or early tomorrow these docs should be used in our discussions tomorrow.

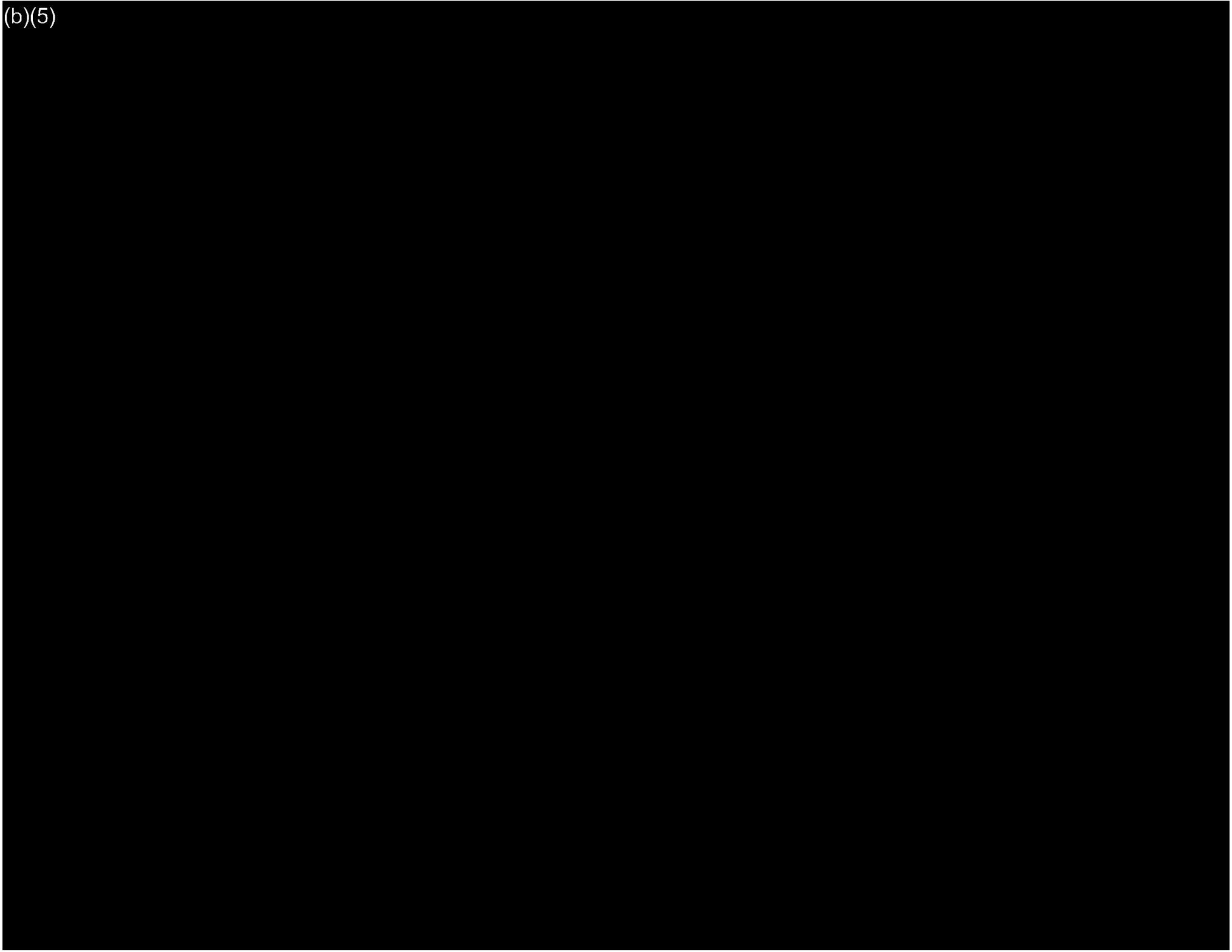
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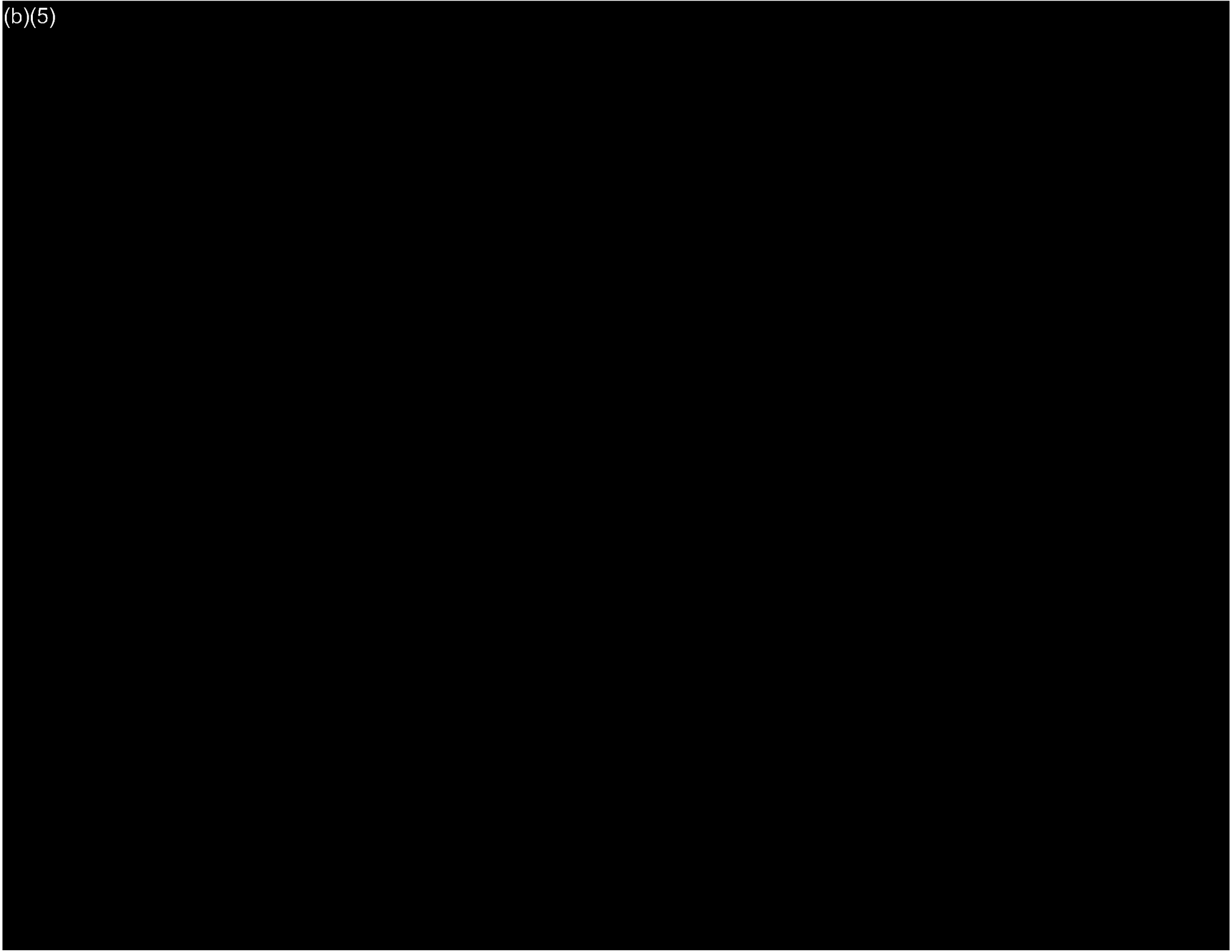
Thanks all,
Brandon

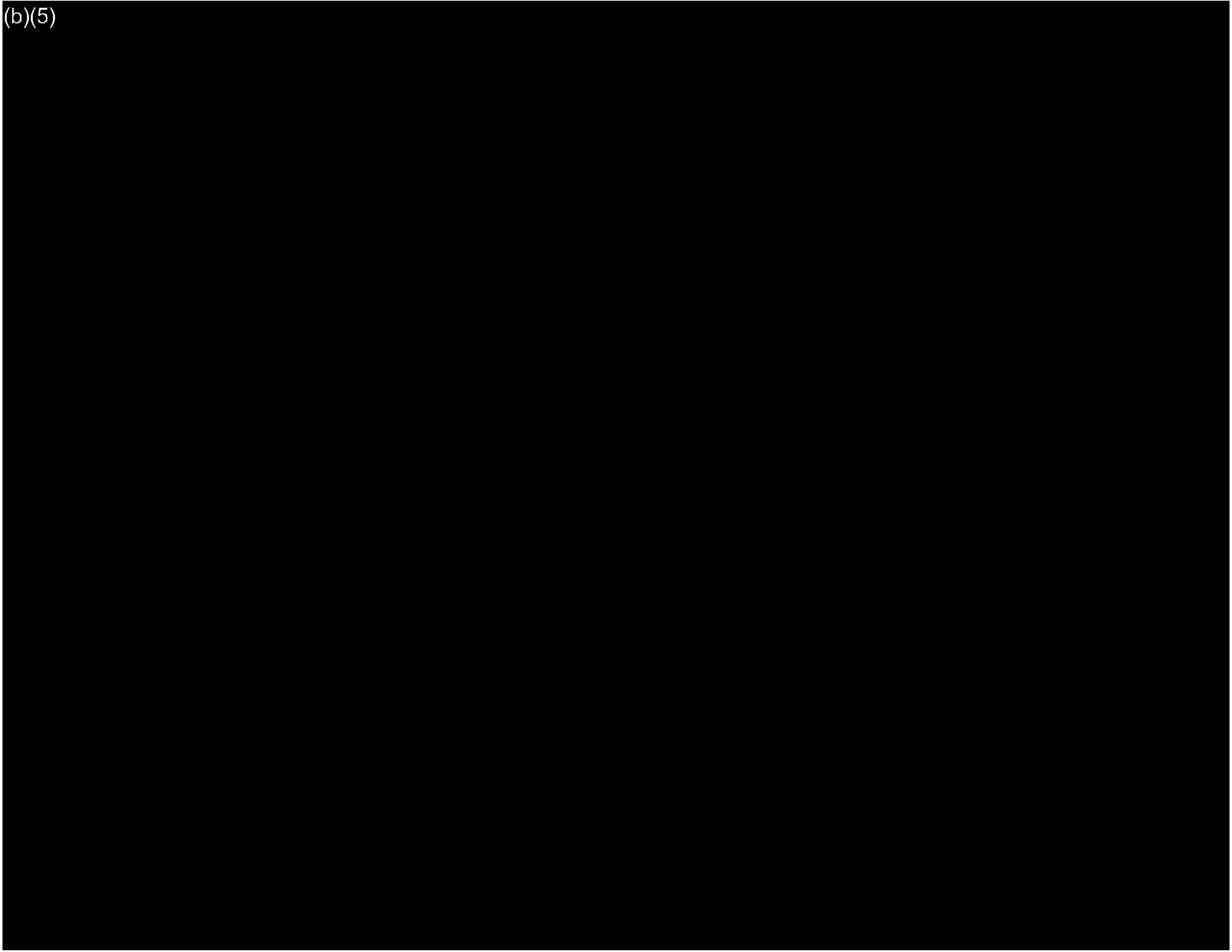
Brandon Barrow | Project Manager | Bureau of Reclamation | (b)(6) (c)

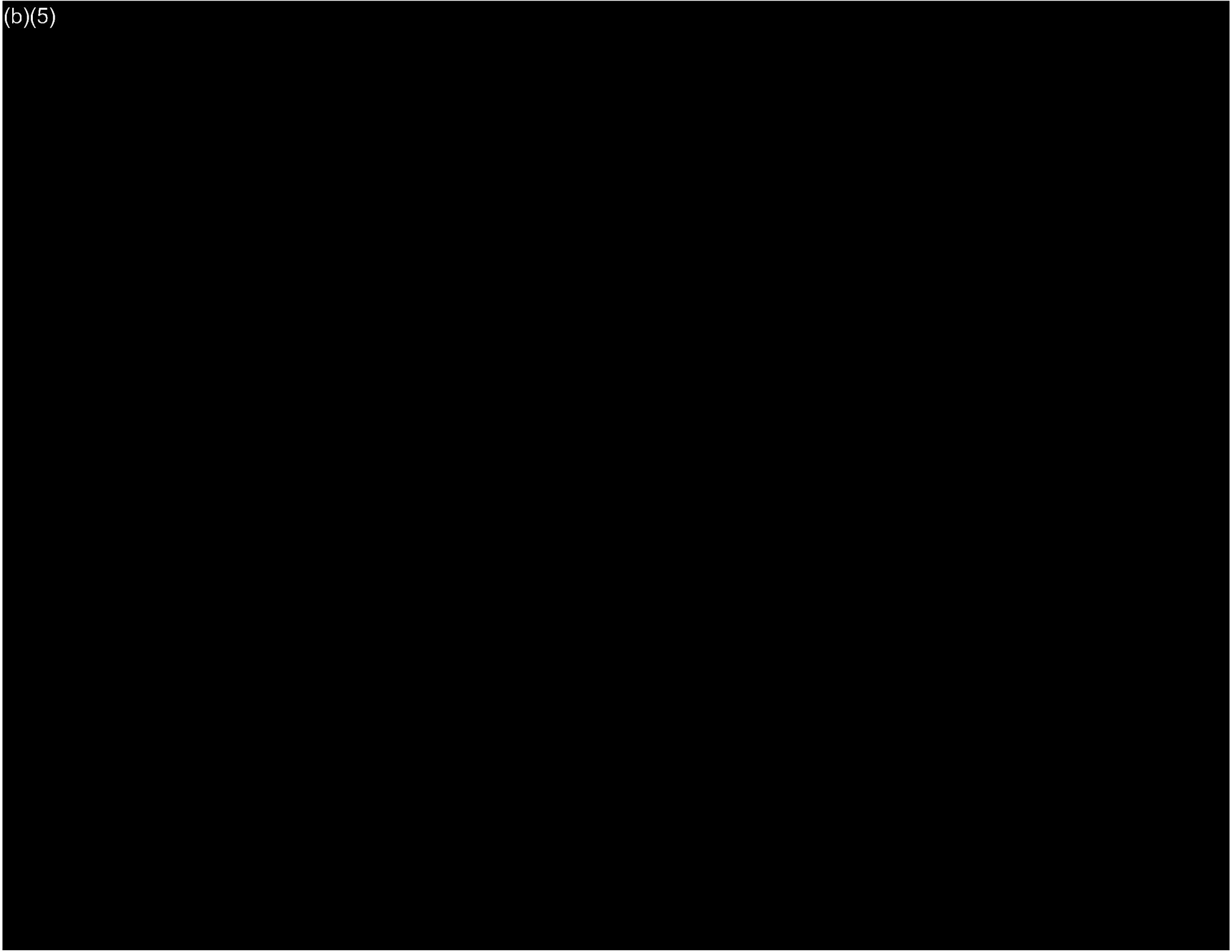

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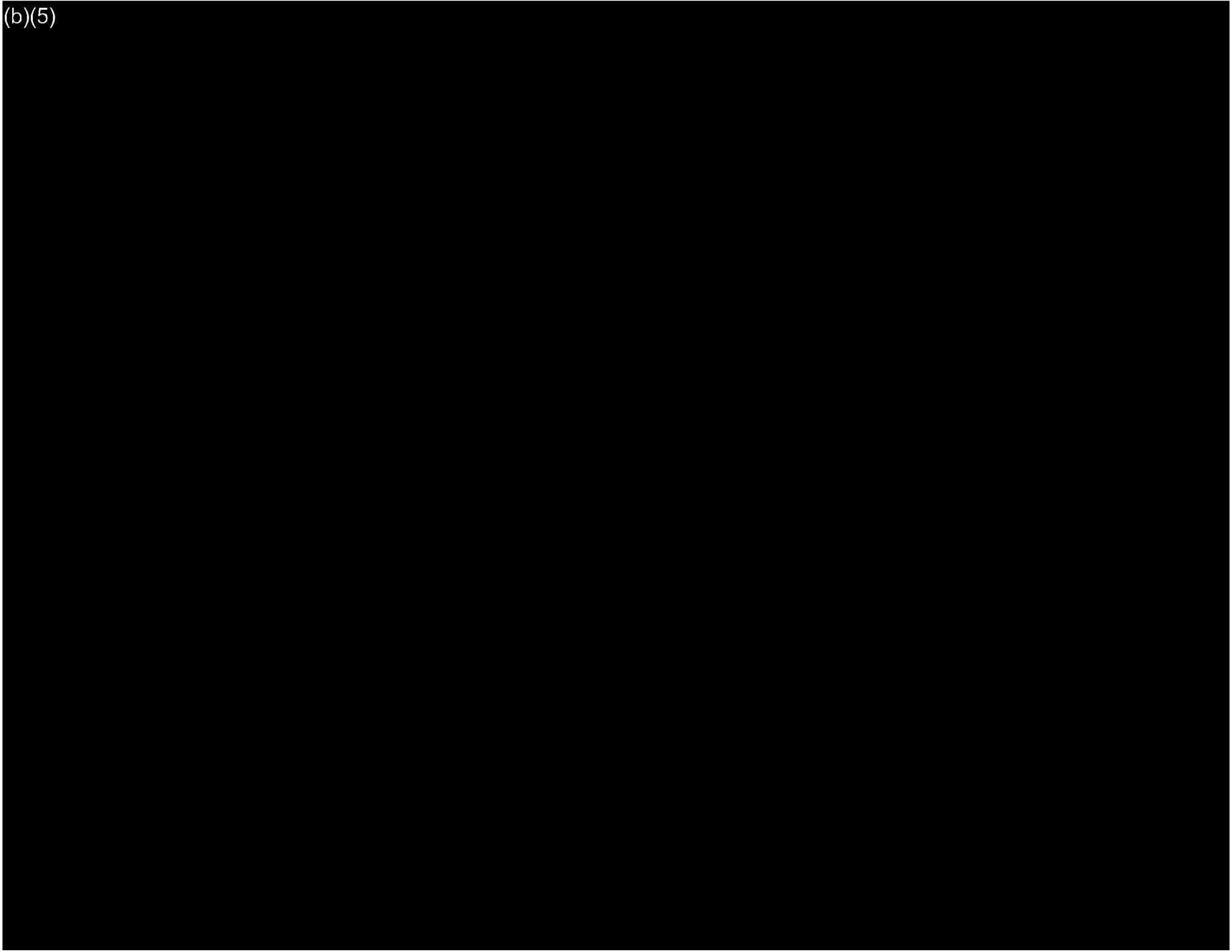

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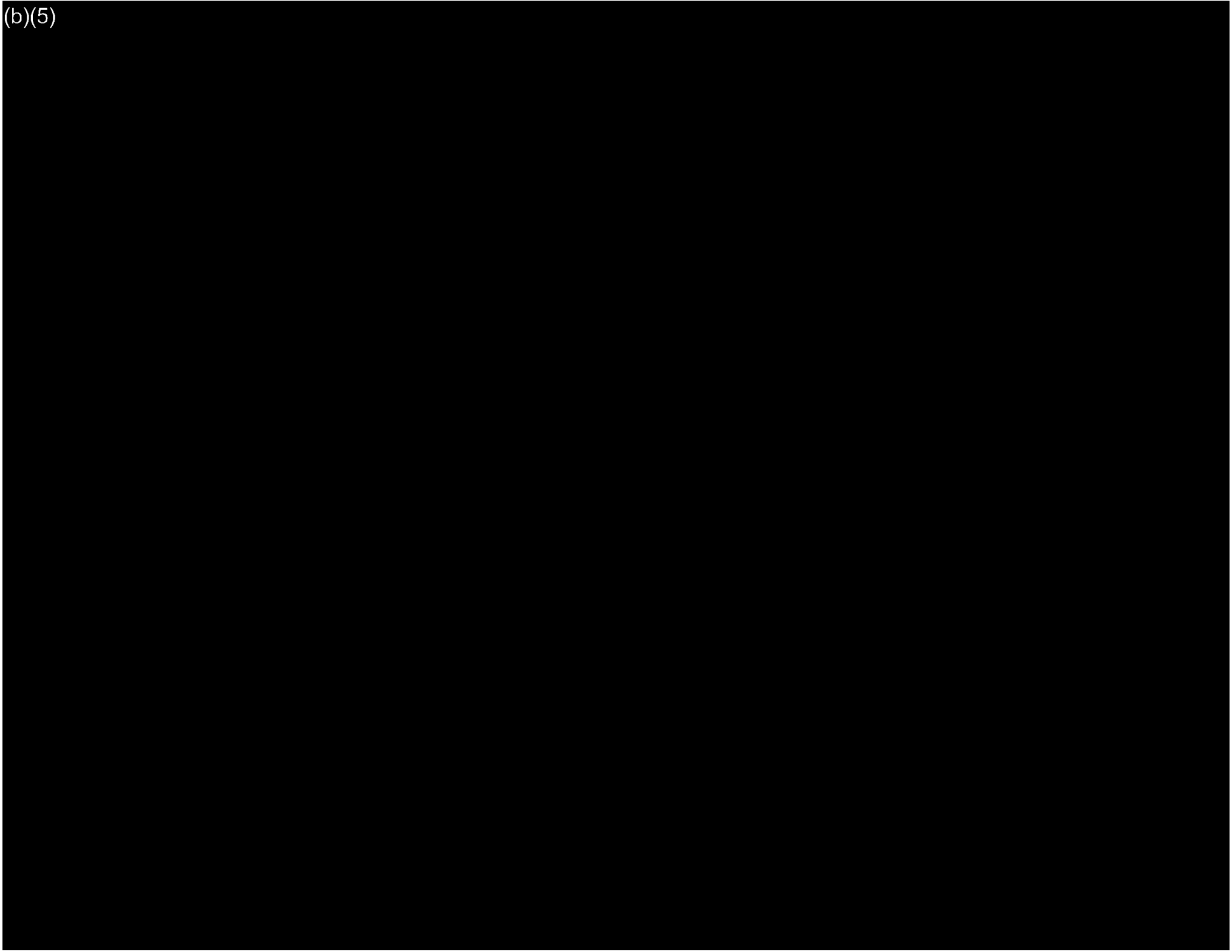

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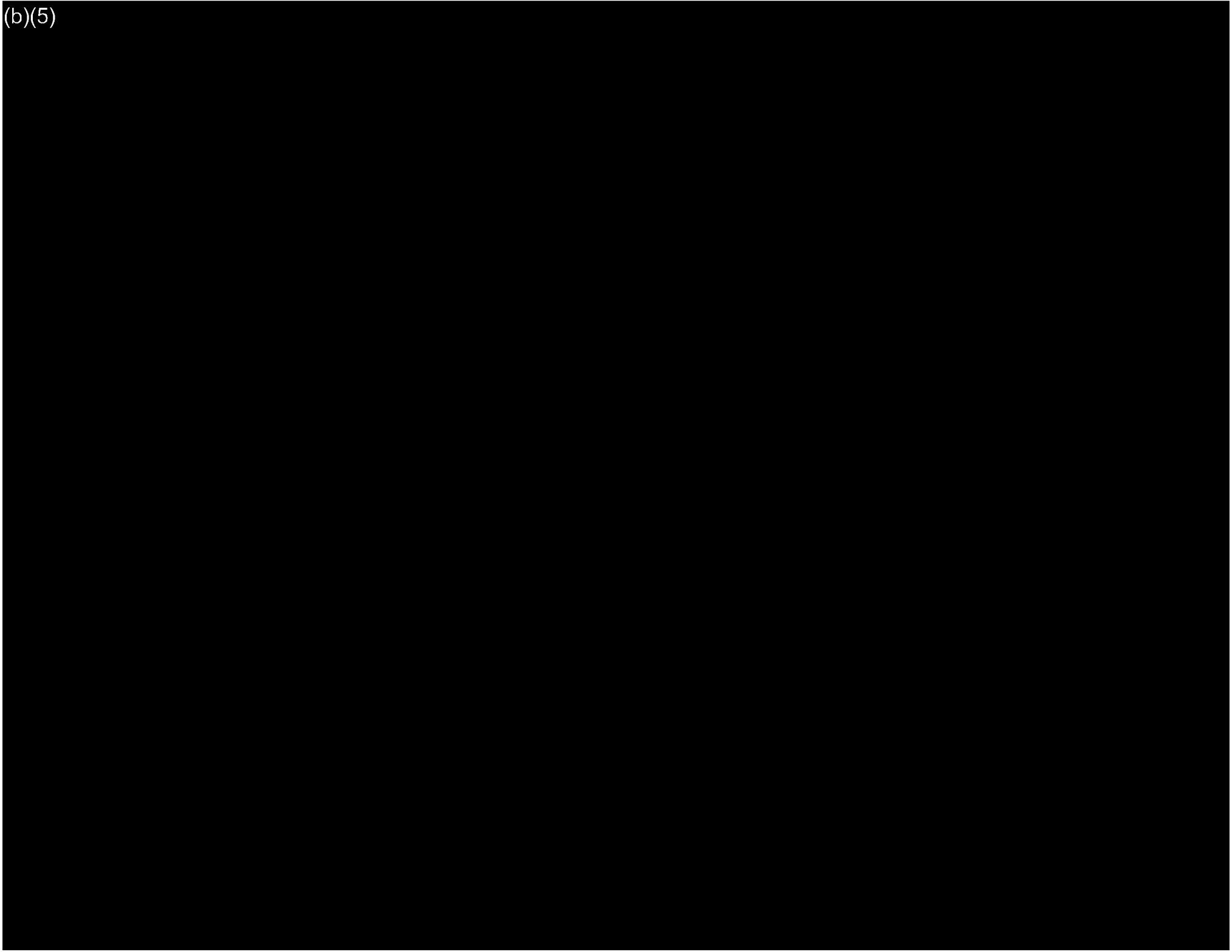

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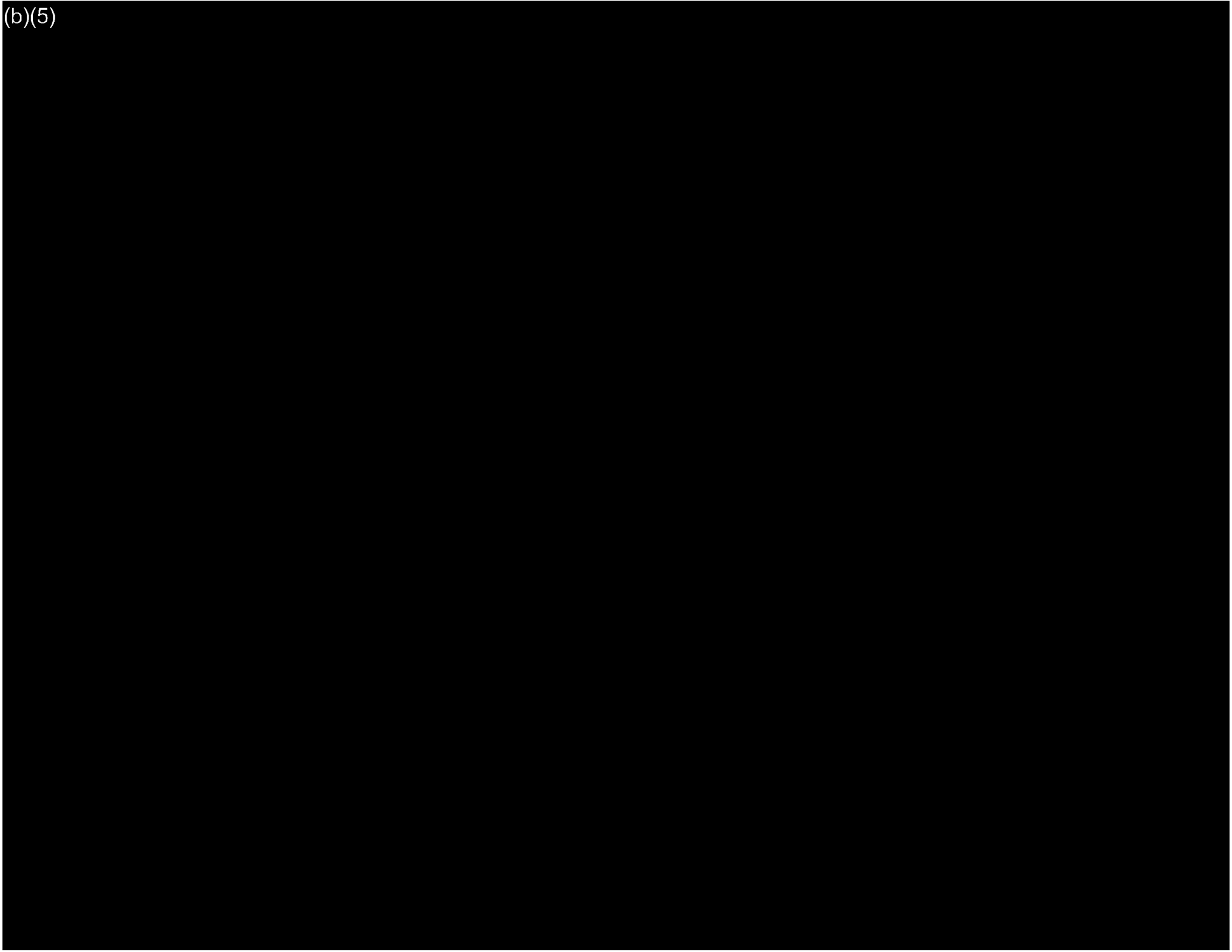

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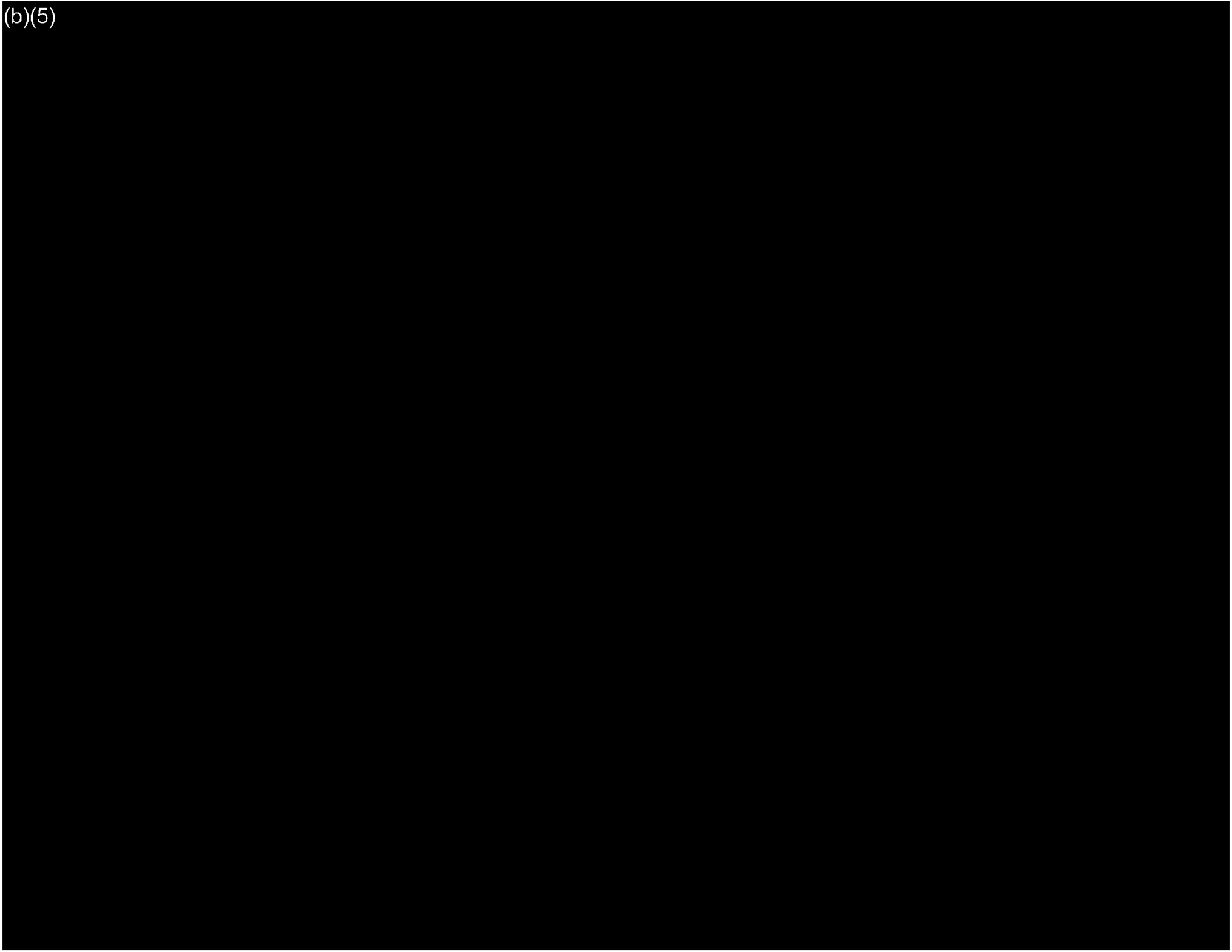

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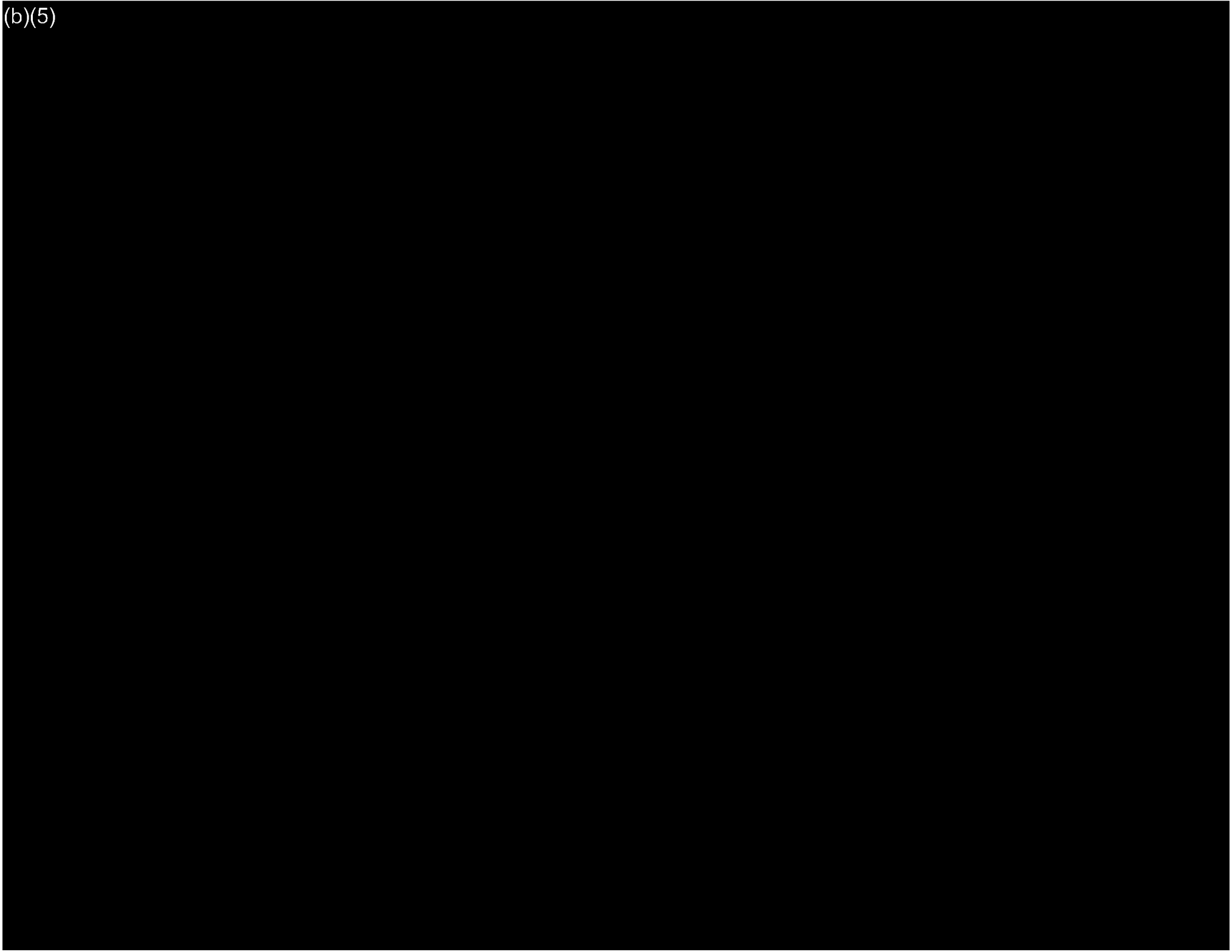

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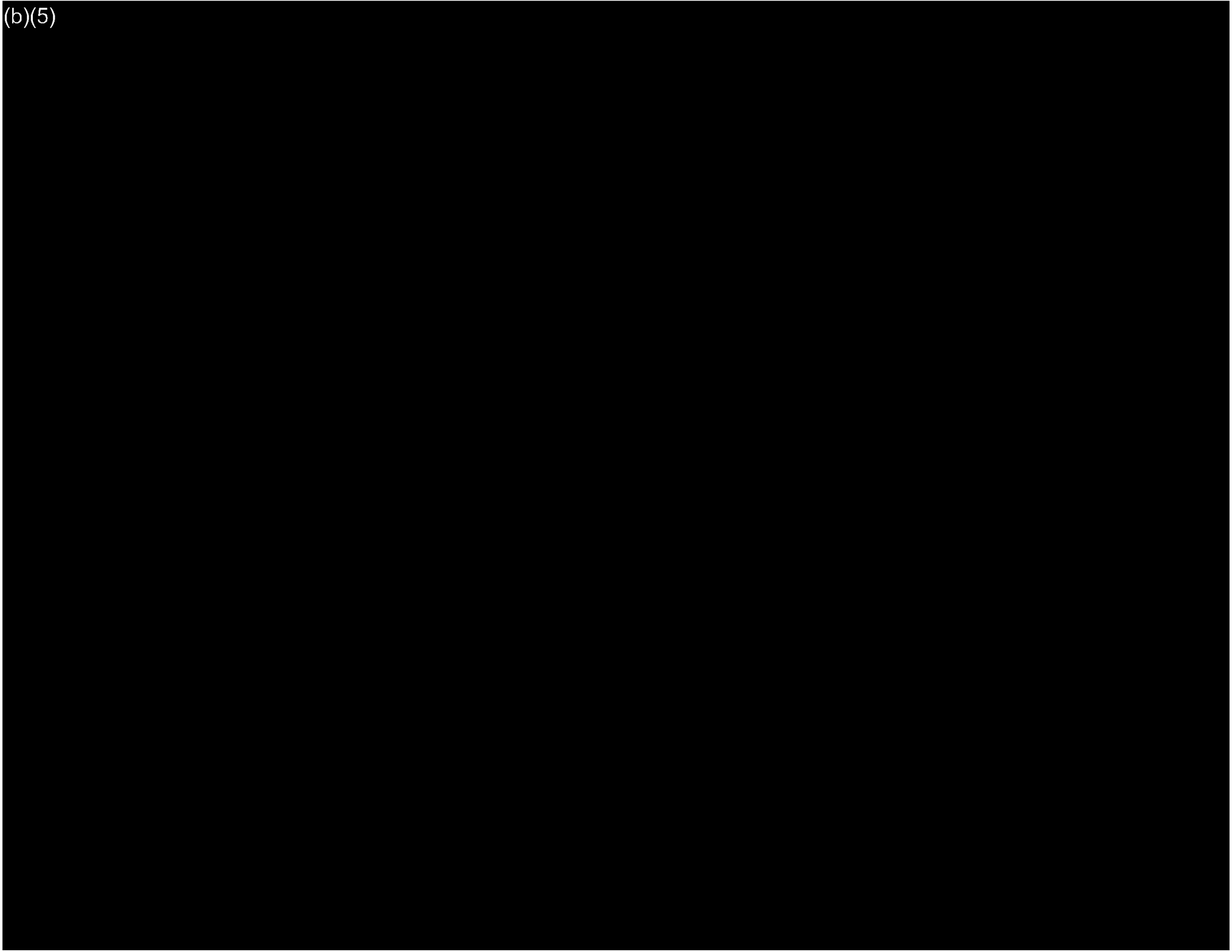

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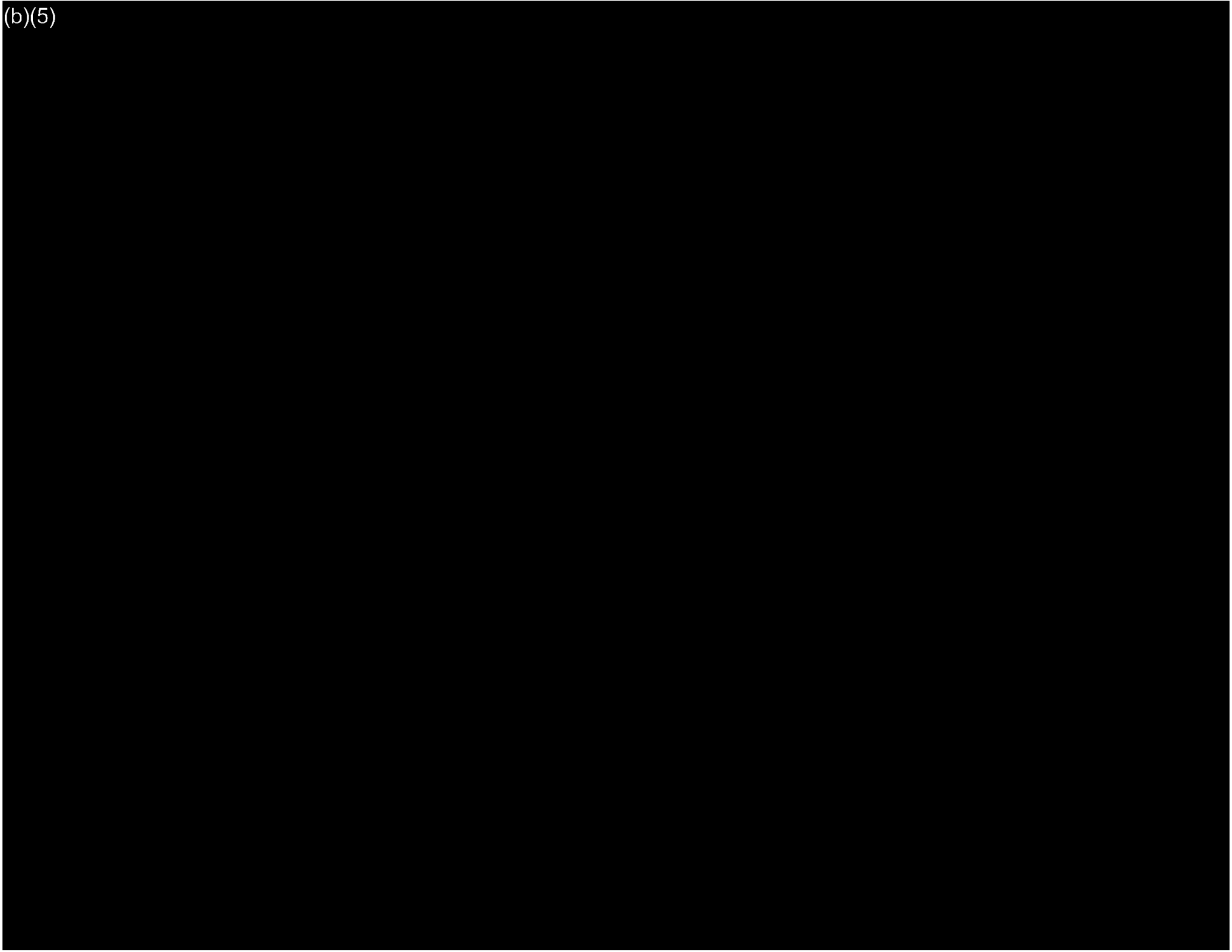

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From: Barrow, Brandon E <bbarrow@usbr.gov>
Sent: Tuesday, June 20, 2023 12:56 PM
To: Robyn Colosimo; Michael Connor; Beth Coffey; Lorri Gray; Hairston,John L (BPA) - A-7; Jeremiah Baumann; Gabe Daly; Melissa Ardis; Armentrout,Scott G (BPA) - E-4; Anderson, Robert T; Trujillo, Tanya M; Carrington, Jennifer J; Morrison, Hugh R; Janet Coit; Walker Smith; Michael Tehan; Seth Barsky; Jay Govindan; Michael (Mike) Eitel; Justin Pidot; Sara Gonzalez-Rothi; Kelly, Katherine P; zachary.penney@noaa.gov; Bloomer, Laura A; Cordan, R. Nicole N. EOP/OMB; Gout, Elise C. EOP/WHO; frederick.pfaeffle@hq.doe.gov
Cc: Mirick, Patrick P; Beth Coffey; Leanne Holm; Tim Dykstra; Brad Thompson; Dan Feil (US ACE); Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4; Godwin,Mary E (BPA) - LN-7; Leary,Jill C (BPA) - LN-7; Springer, Roland K; Williamson, Jeremiah I; Carrington, Jennifer J; Hoefer, Scott E; Morrison, Hugh R; Gordon, Judith; Bottcher, Jared L; BrittonKuttel, Erin; Wilson, Frank S; Michael Tehan; Ryan Couch; Ritchie Graves; Chris McNulty; Michael (Mike) Eitel; Sommer Engels; Fred Turner; Jocelyn D'Ambrosio; Lorri Gray; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA); Philpott, Romney (ENRD); david.frankel@usdoj.gov
Subject: [EXTERNAL] FMCS Mediation: LSR Crosswalk
Attachments: Crosswalk 6 sovs v USG framework 6.20 for PT Use.docx

Policy Team,

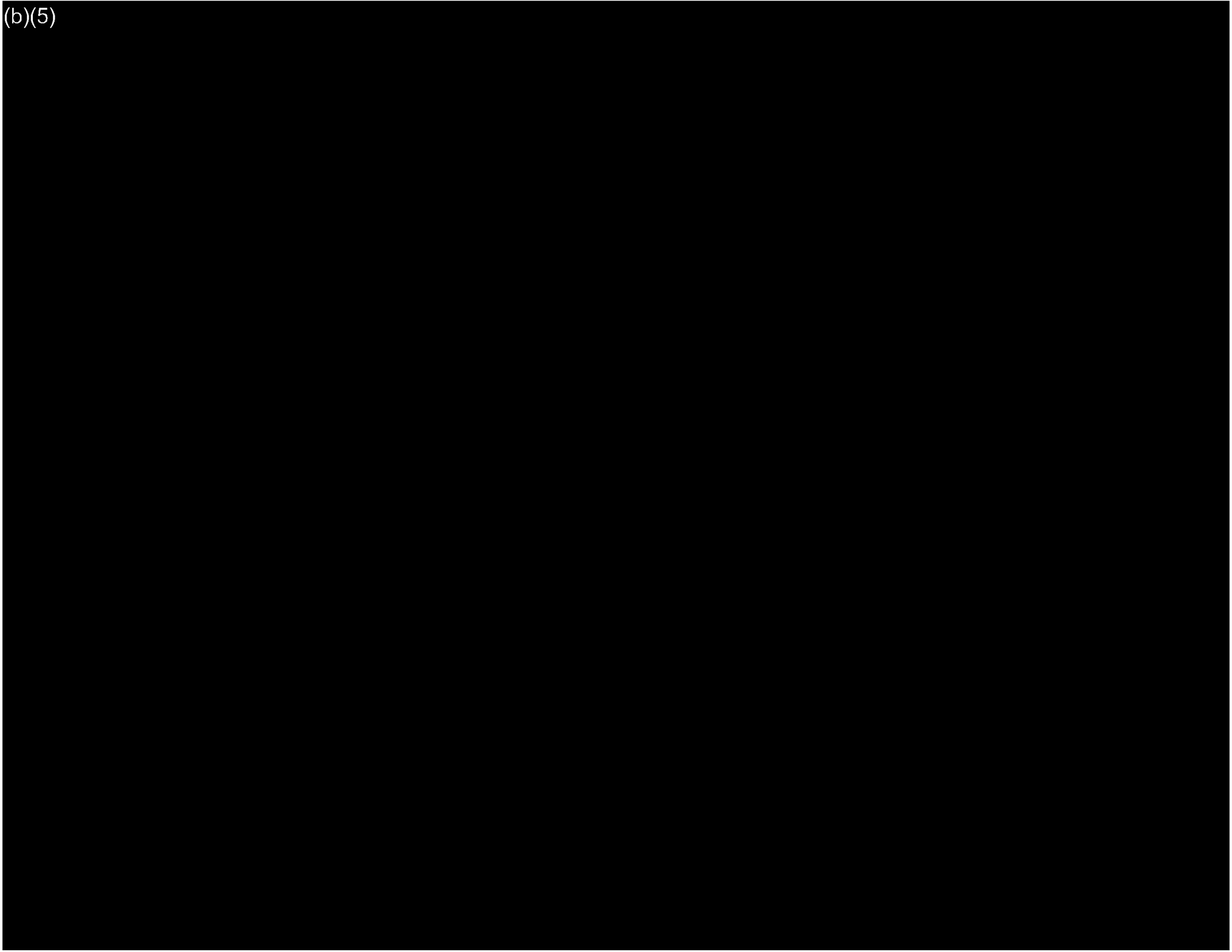
(b)(5) [redacted]

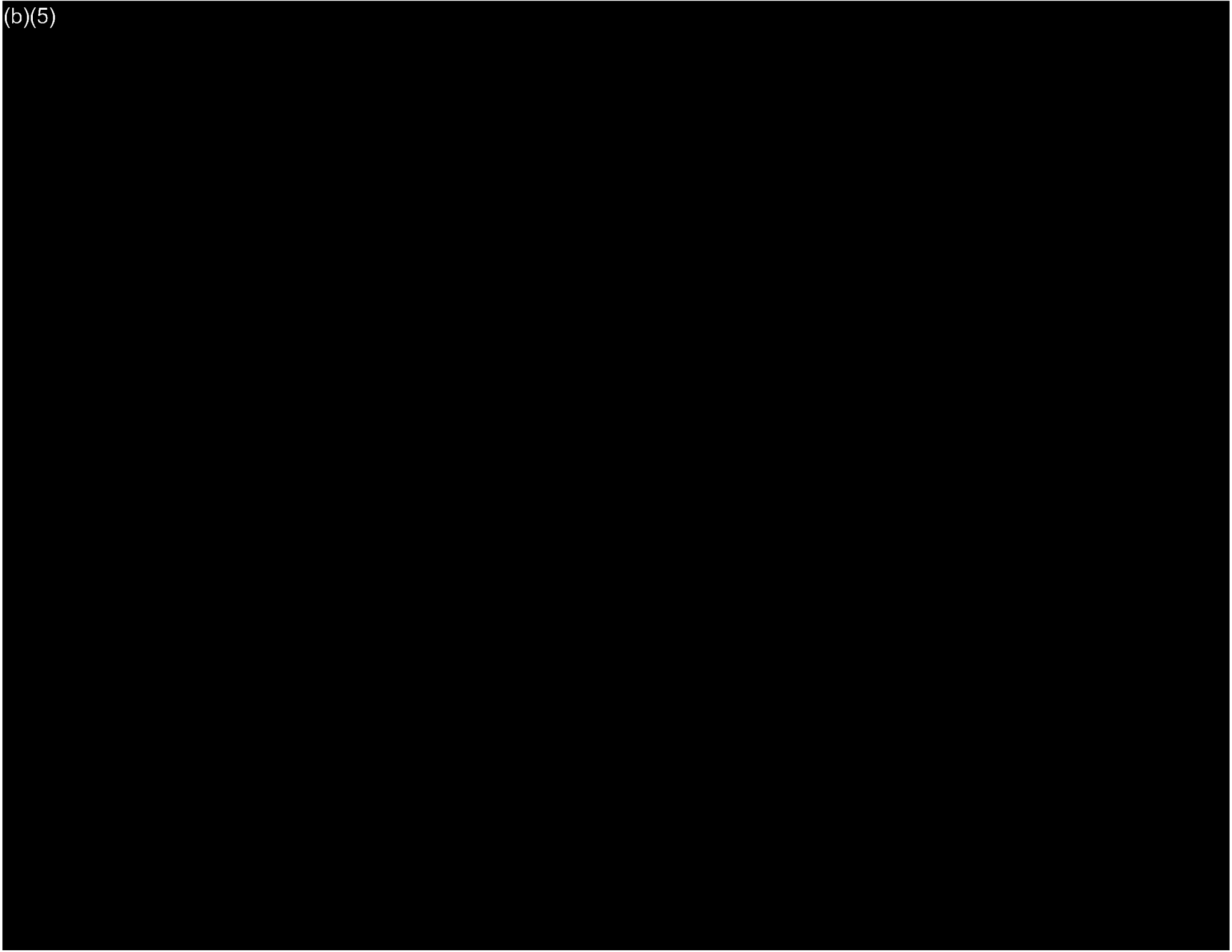
Thank you,

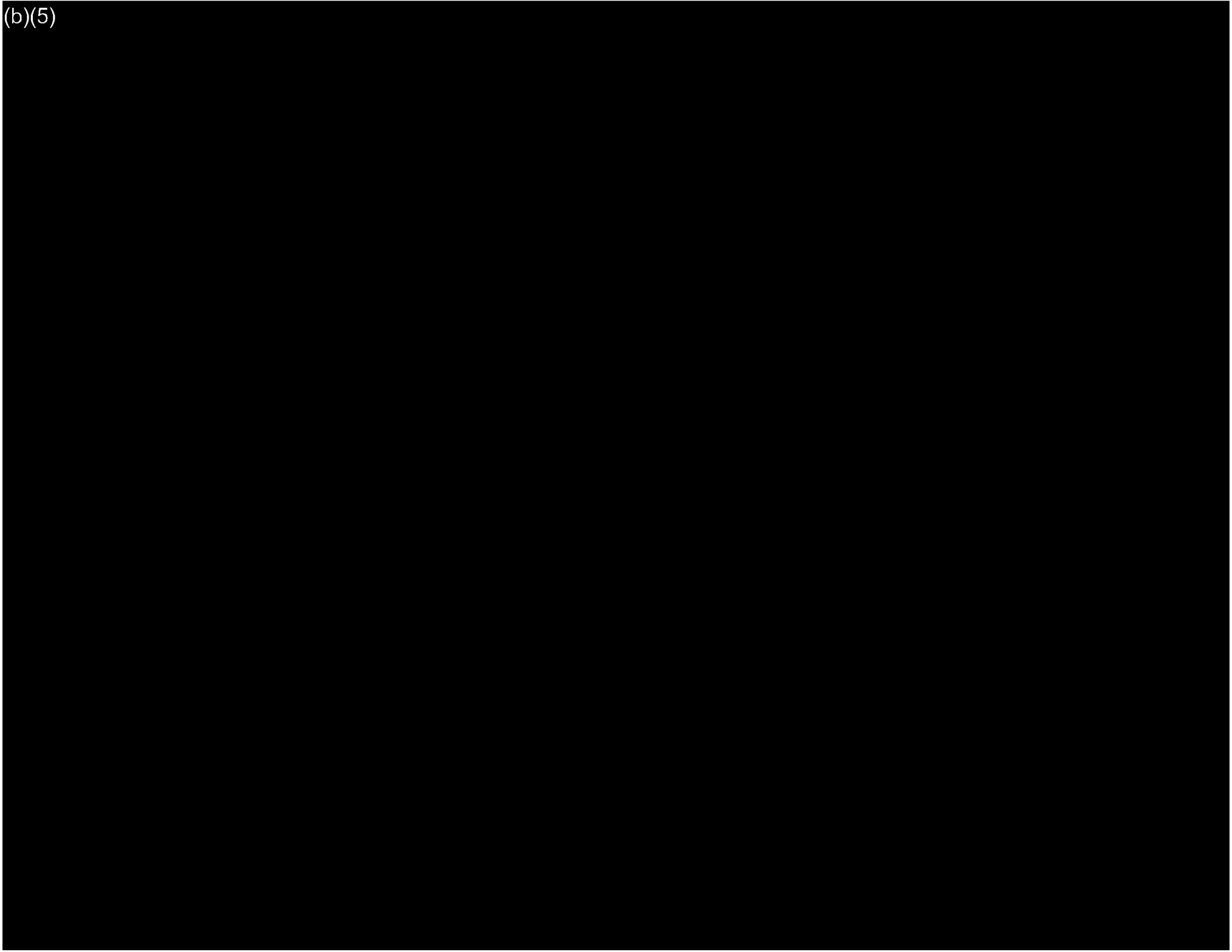
Brandon

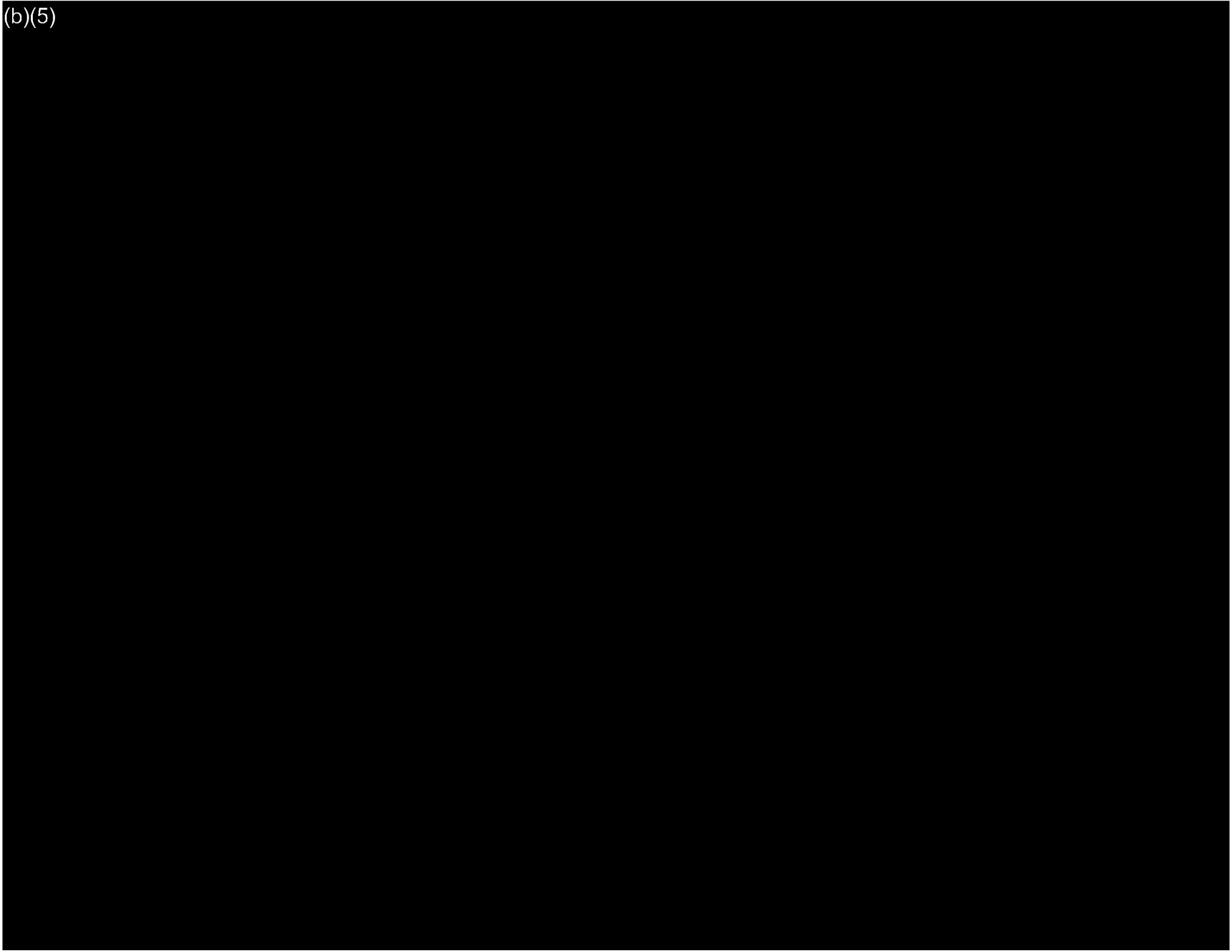
Brandon Barrow | Project Manager | Bureau of Reclamation | (b)(6) [redacted] (c)

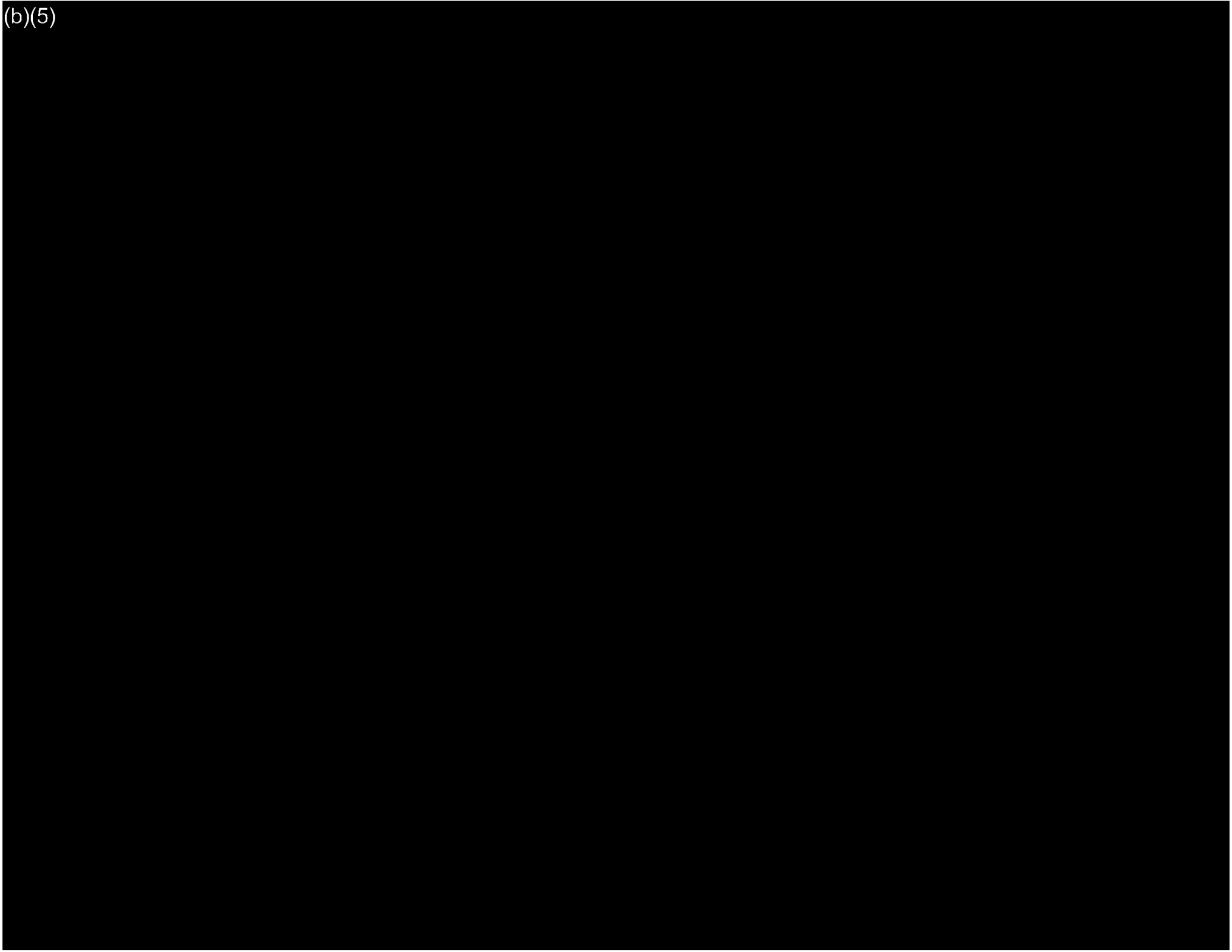
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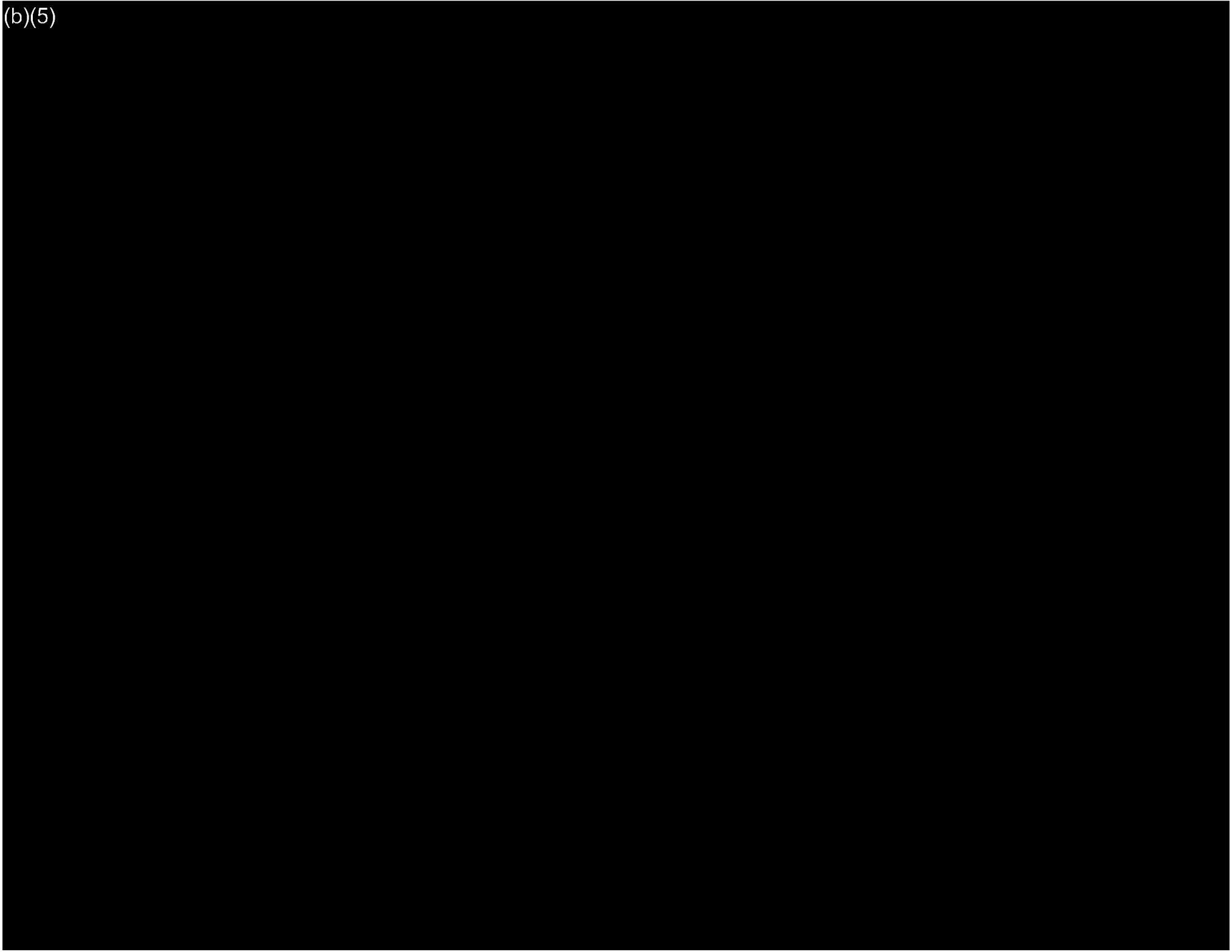

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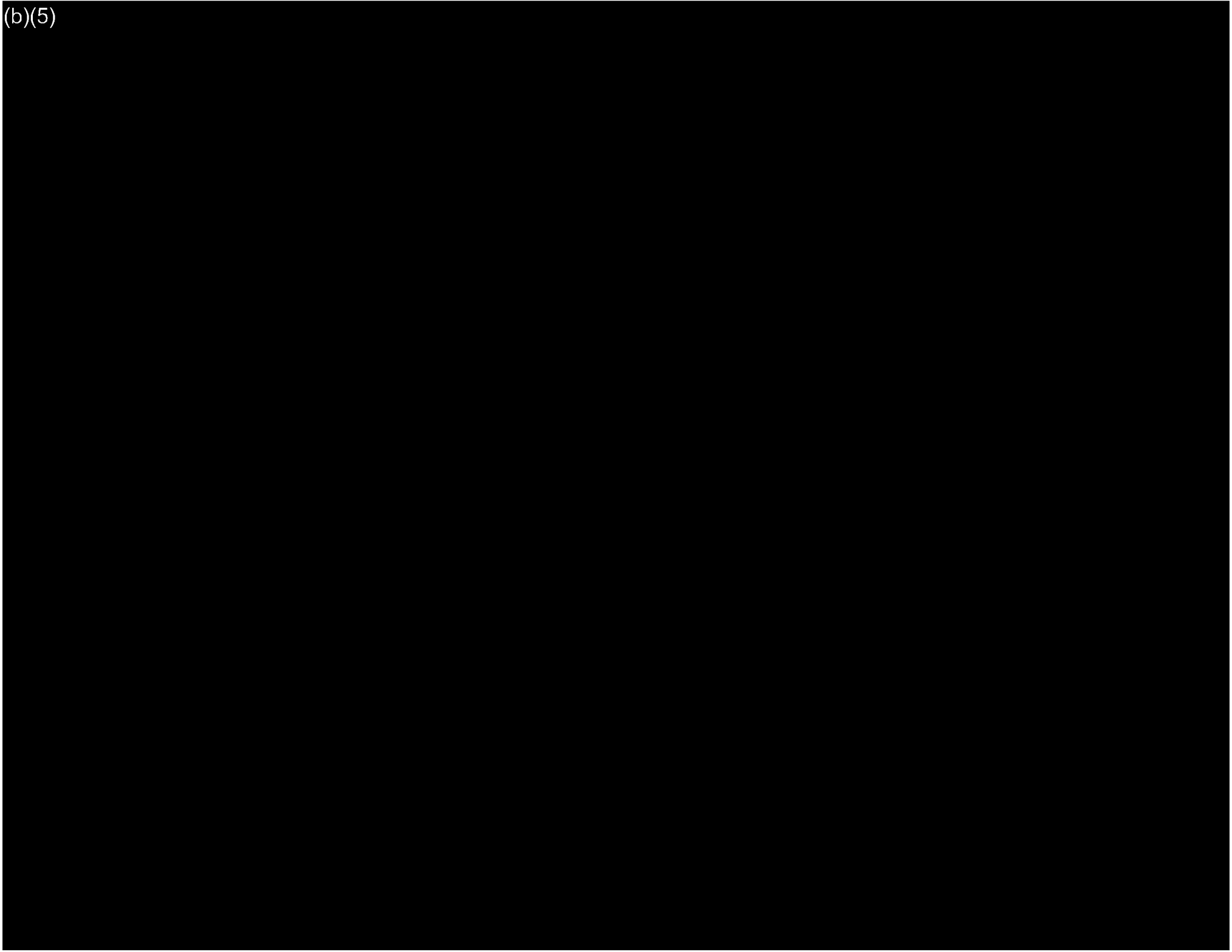

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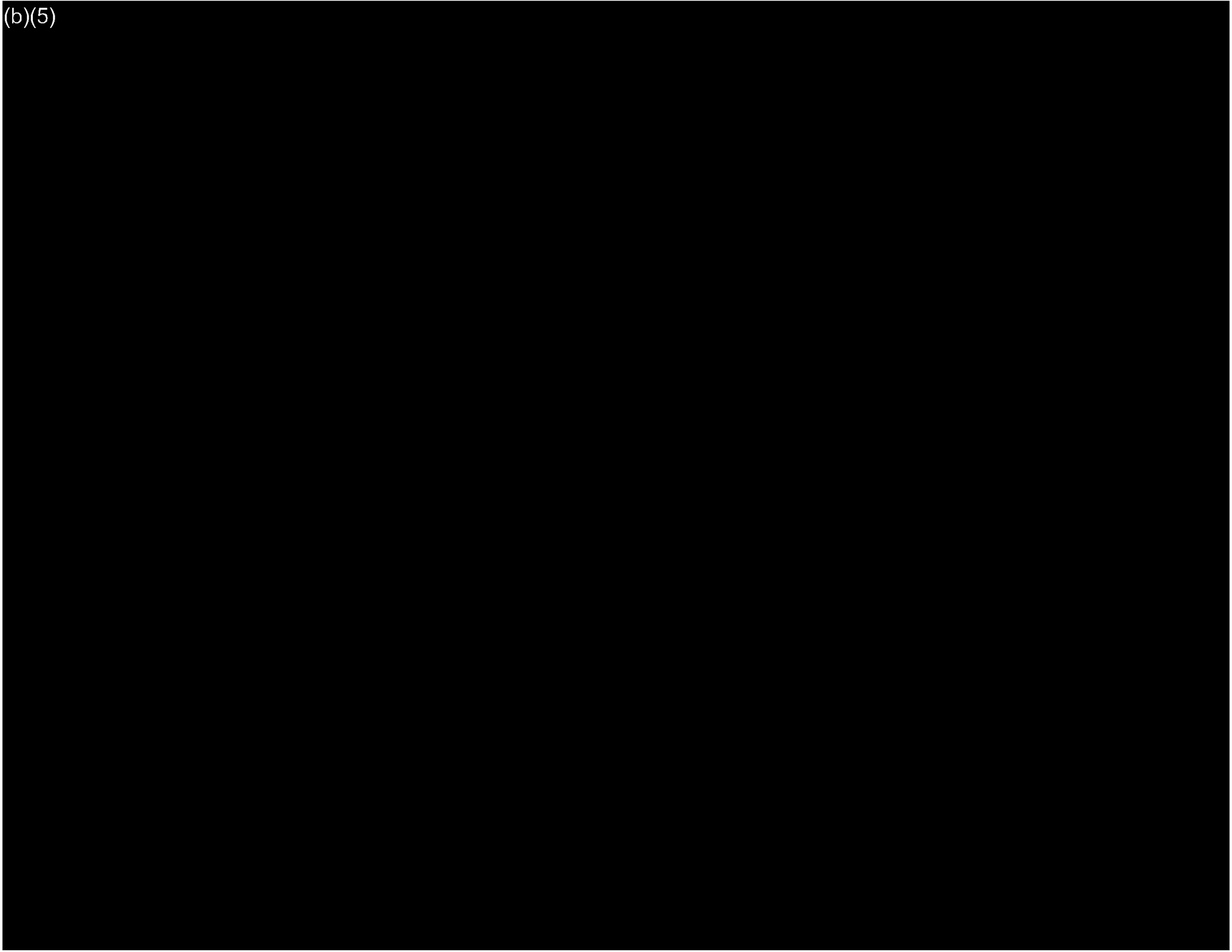

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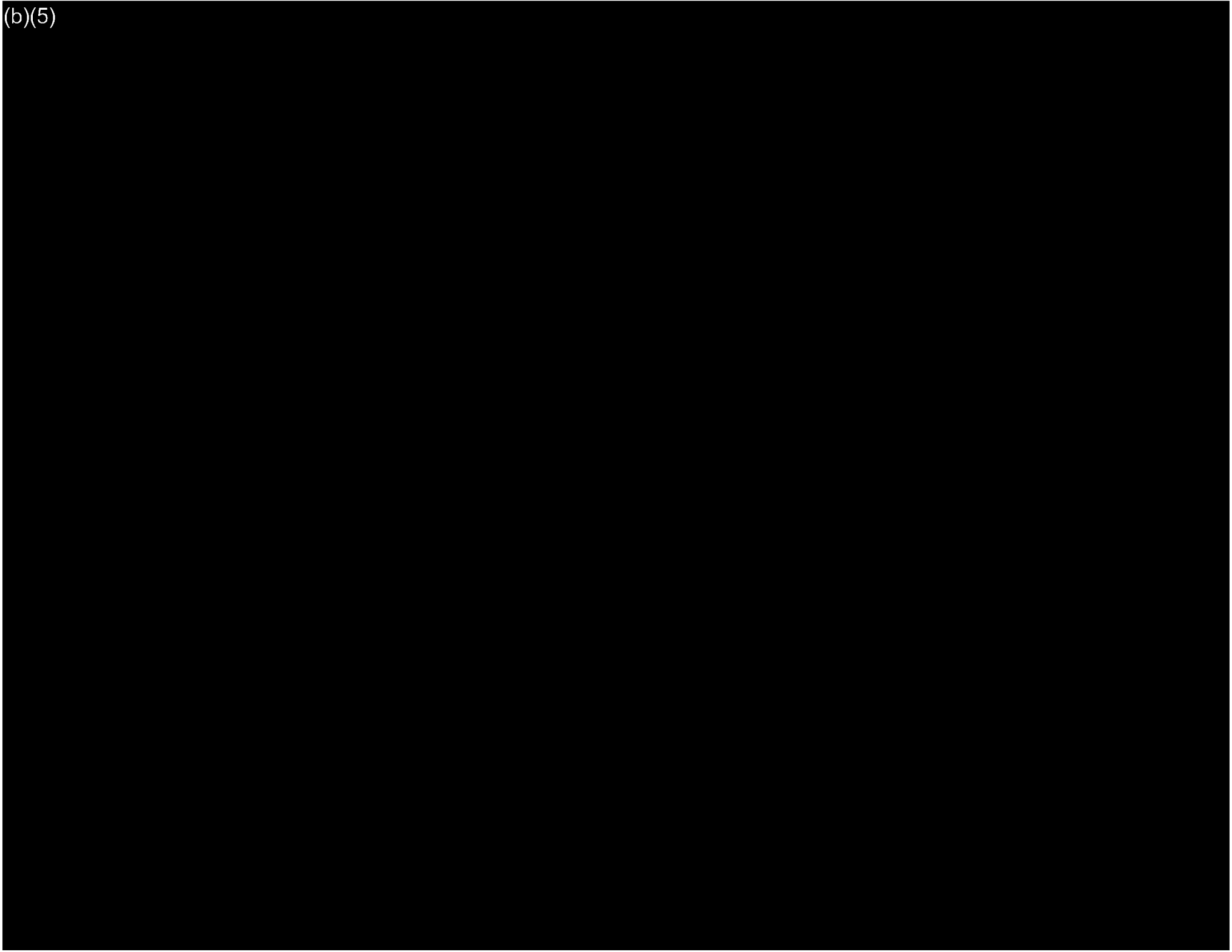

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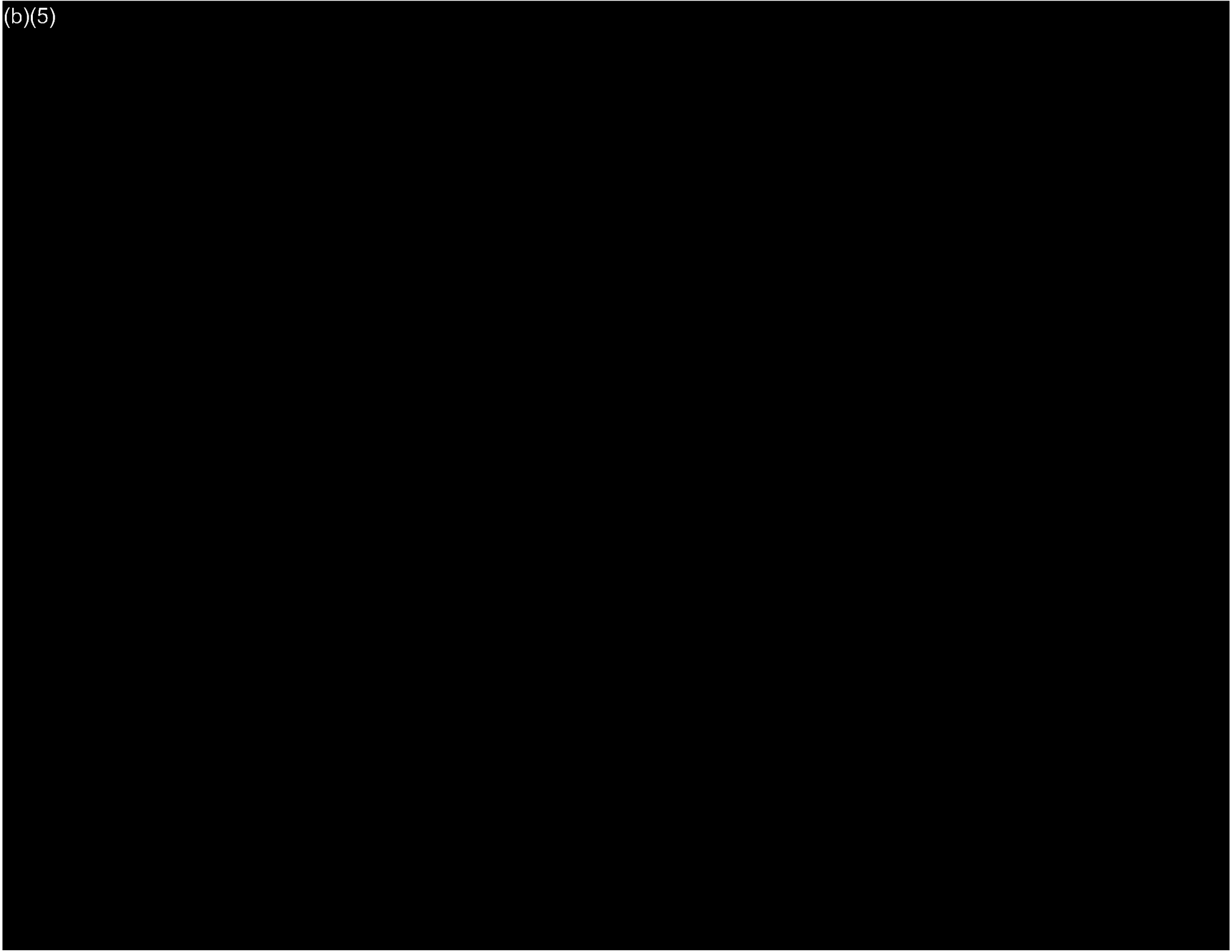

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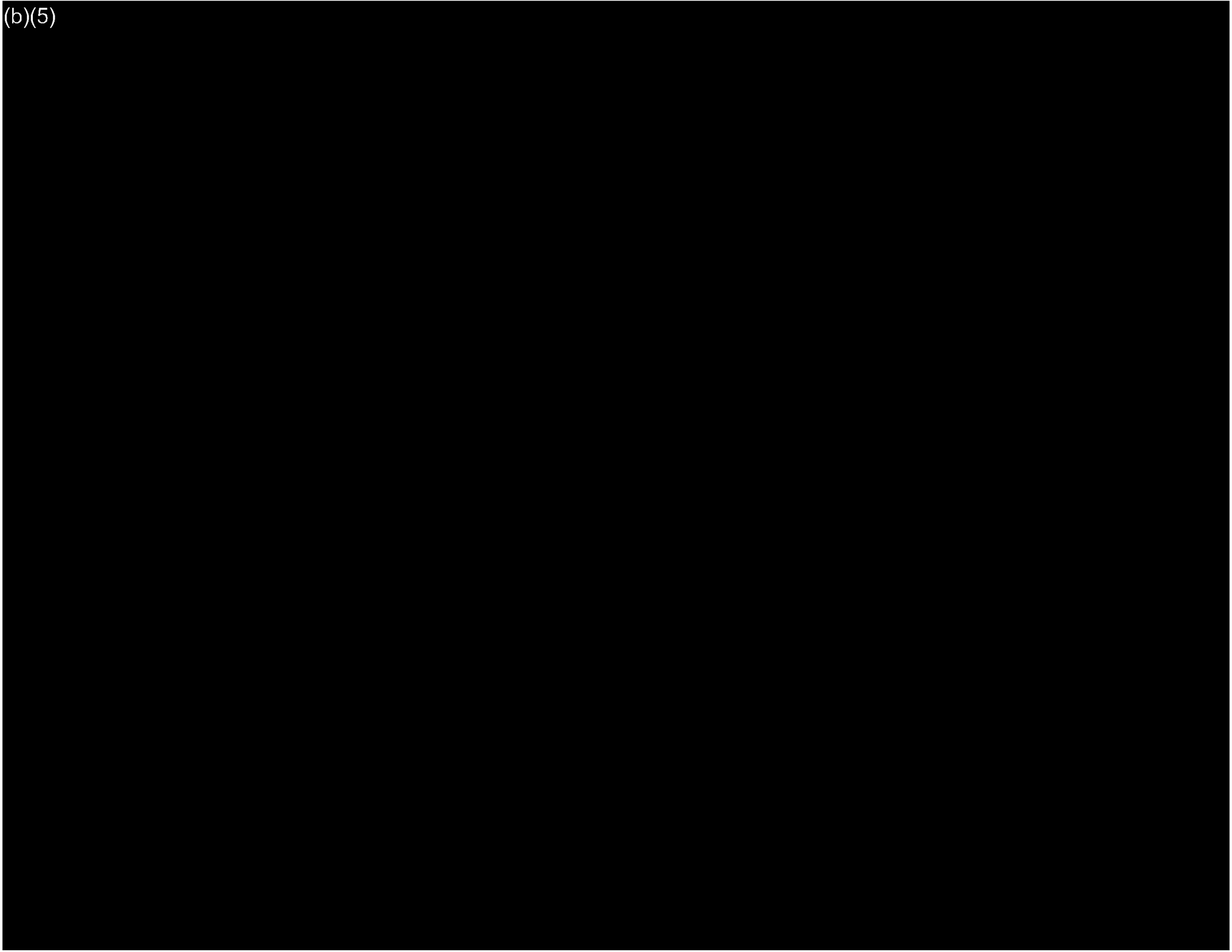

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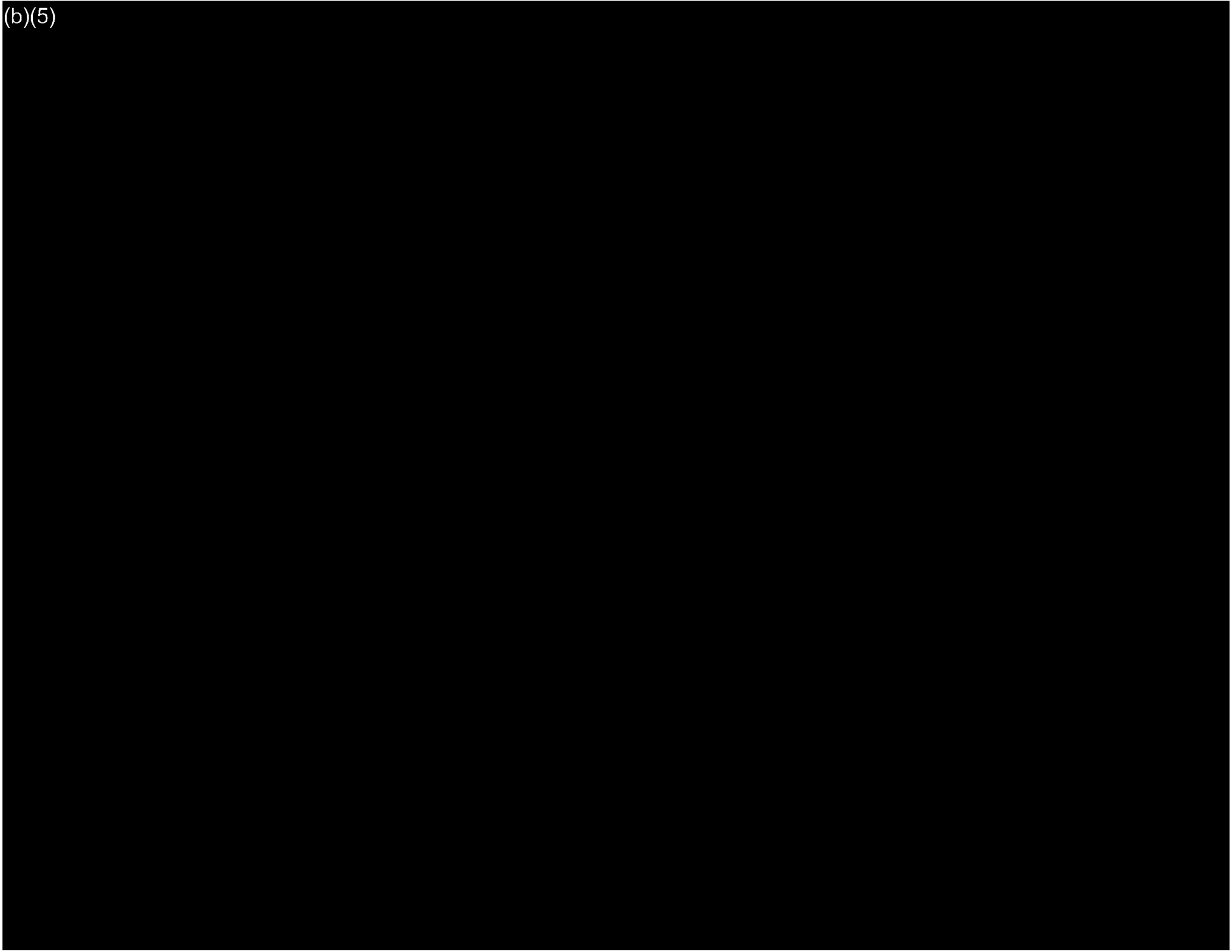

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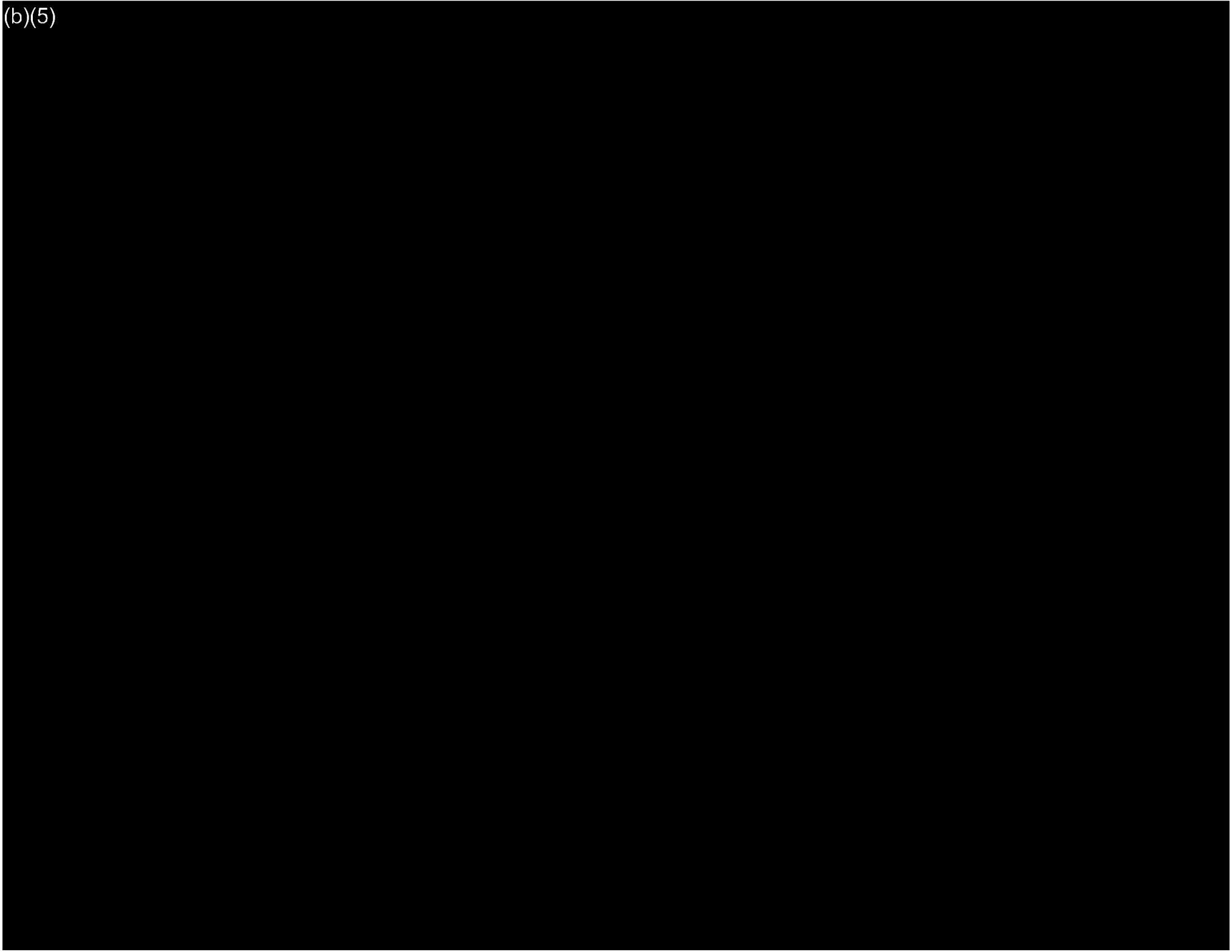

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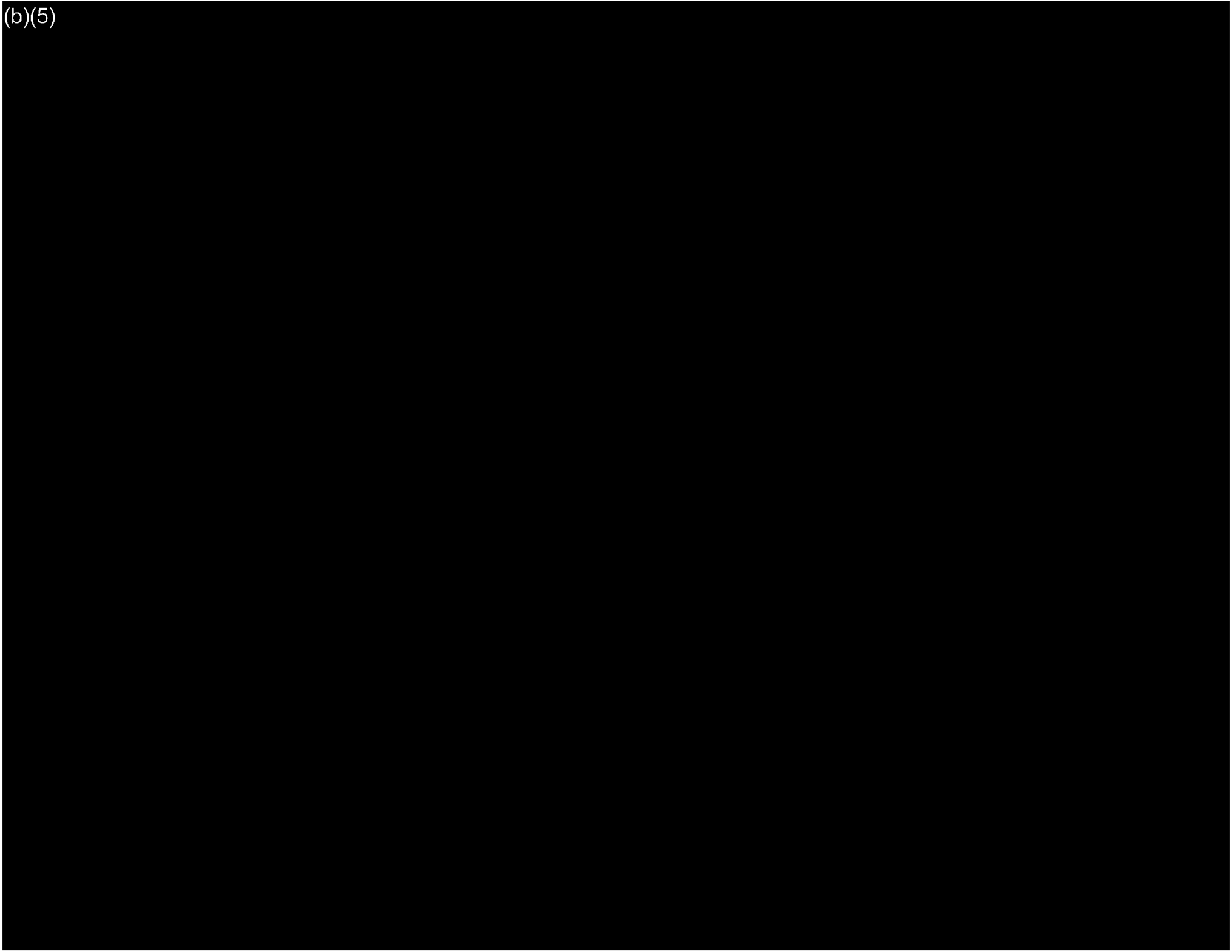

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(b)(5)

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Thursday, June 22, 2023 5:22 PM
To: Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; Renner,Marcella P (BPA) - E-4; Baskerville,Sonya L (BPA) - AIN-WASH
Cc: Baumann, Jeremiah; Pfaeffle, Frederick
Subject: [EXTERNAL] FW: PT Actions!
Attachments: Crosswalk 6 sovs v USG framework 6.20 for PT Use.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi – I have reviewed BPA's responses on this document. Any chance we can jump on a call before the PT call? I realize this week is super tough for folks. Jeremiah and Fred – you can be optional for this one.

Thank you,

Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6)
www.energy.gov

From: Mirick, Patrick P
Sent: Thursday, June 22, 2023 1:59 PM
To: Barrow, Brandon E ; Bloomer, Laura A ; Cordan, R. Nicole N. EOP/OMB ; D'Ambrosio, Jocelyn M (NOC) ; frances.e.coffey@usace.army.mil; Daly, Gabriel ; Gout, Elise C. EOP/WHO ; Morrison, Hugh R ; Ralph, James ; janet.coit@noaa.gov; jay.govindan@usdoj.gov; Carrington, Jennifer J ; Baumann, Jeremiah ; Hairston, John ; Gordon, Judith ; Justin.R.Pidot@ceq.eop.gov; kate_kelly@ios.doi.gov; Lorri.J.Gray@usace.army.mil; McClendon, Hayley ; Ardis, Melissa ; michael.l.connor10.civ@army.mil; Tehan, Michael (NOAA) ; Mirick, Patrick ; Pfaeffle, Frederick ; robert.anderson@sol.doi.gov; robyn.s.colosimo.civ@army.mil; Sara.R.Gonzalez-Rothi@ceq.eop.gov; Seth.Barsky@usdoj.gov; Armentrout, Scott G ; Smail, Jill R ; tanya_trujillo@ios.doi.gov; walker.smith@noaa.gov; zachary.penney@noaa.gov
Cc: Zelinsky, Benjamin D ; bradley.e.thompson@usace.army.mil; chris.mcnulty ; dan.h.feil@usace.army.mil; david.Frankel@usdoj.gov; BrittonKuttel, Erin ; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) ; Wilson, Frank S ; Turner, Frederick ; Bottcher, Jared L ; Leary, Jill C ; Williamson, Jeremiah I ; Holm, Leanne V (USACE) ; Godwin, Mary E ; Eitel, Michael R (USDOJ) ; Mike Clark FWS (michael_l_clark@fws.gov) ; ritchie.graves ; Romney Philpott ; Springer, Roland K ; ryan.couch ; Hoefer, Scott E ; Engels, Sommer H (USDOJ) ; Dykstra, Timothy A (USACE) ; Brenda Pryor ; Josh Flax ; Matt Philibeck ; Roz Miller
Subject: PT Actions!

The action items for the PT are in yellow.

The urgent tasks are:

1. Read the NT's LSR Crosswalk today (and discuss w/ your NT rep if possible)
2. Send your two leads for Colville & Spokane meetings on "tribal must-haves" to Matt today
3. Read the "USG Draft P2IP" response before Monday Synch

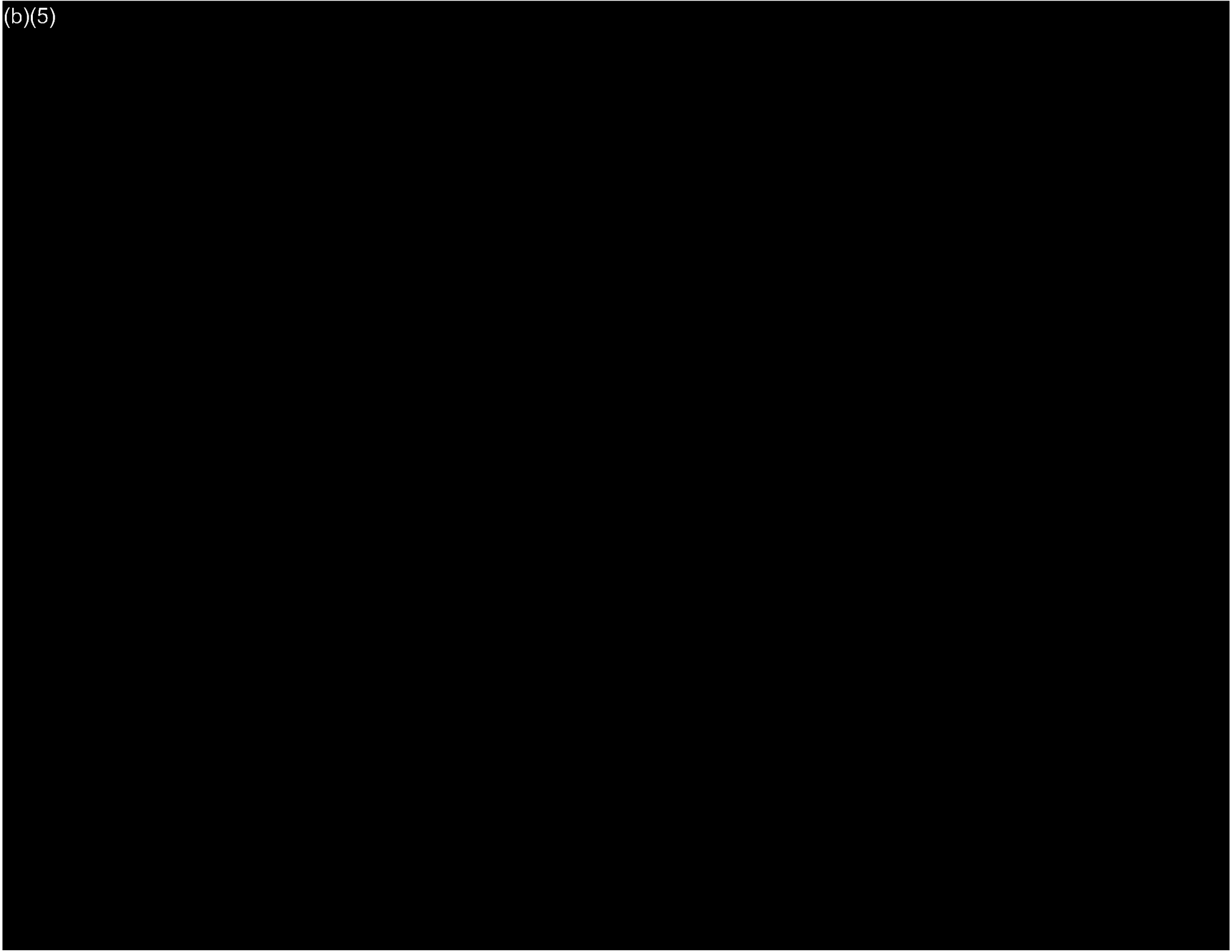
FOIA Exempt | Confidential | Attorney-Client Privileged

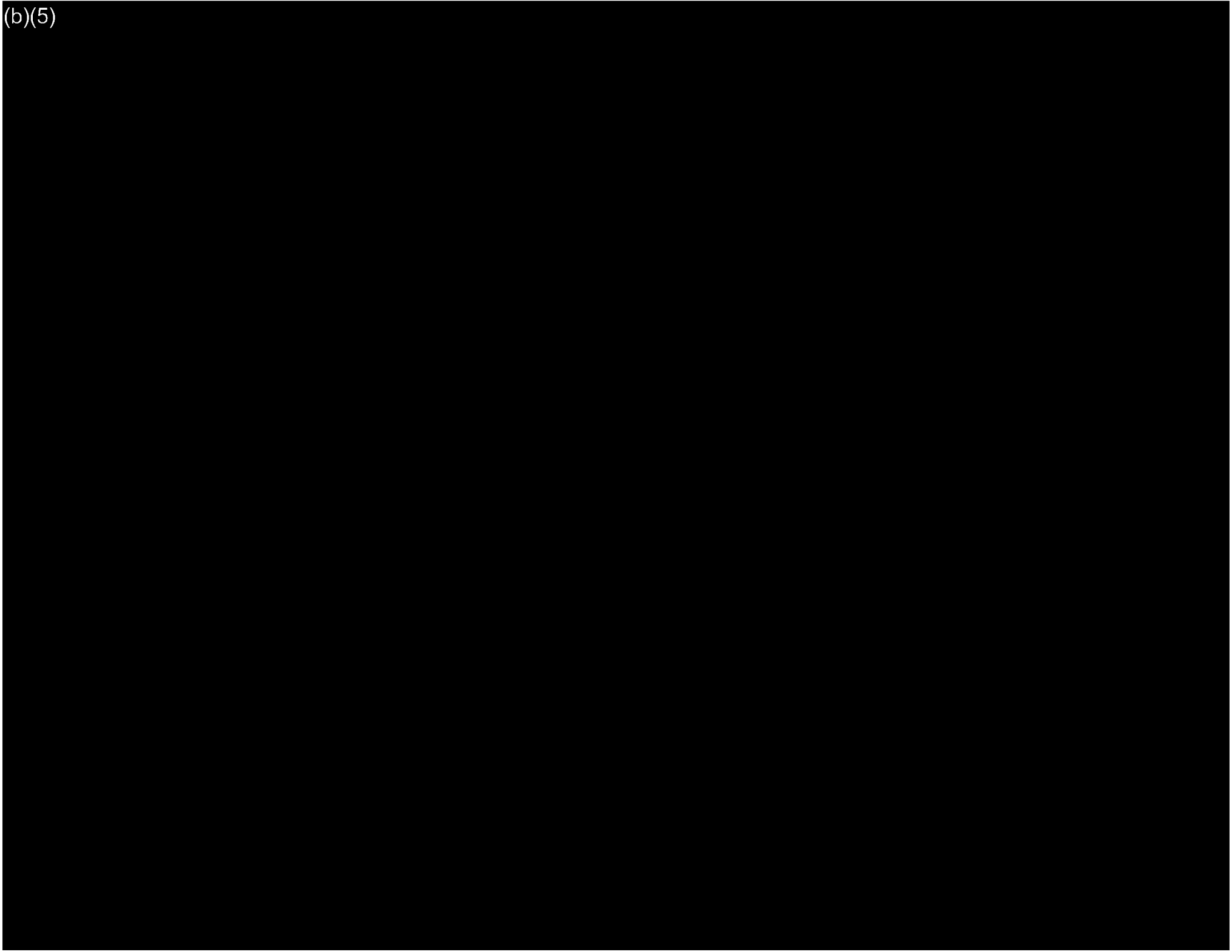
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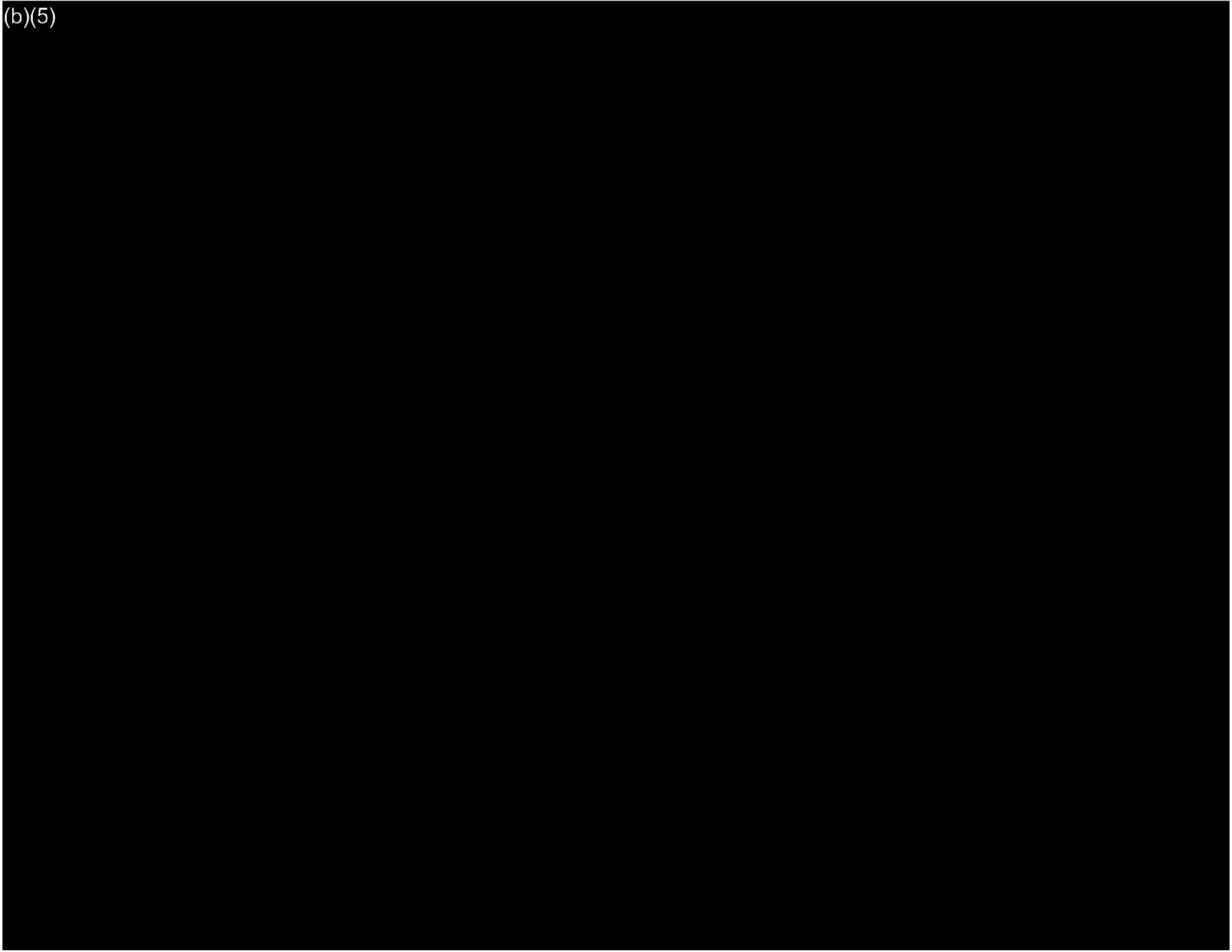
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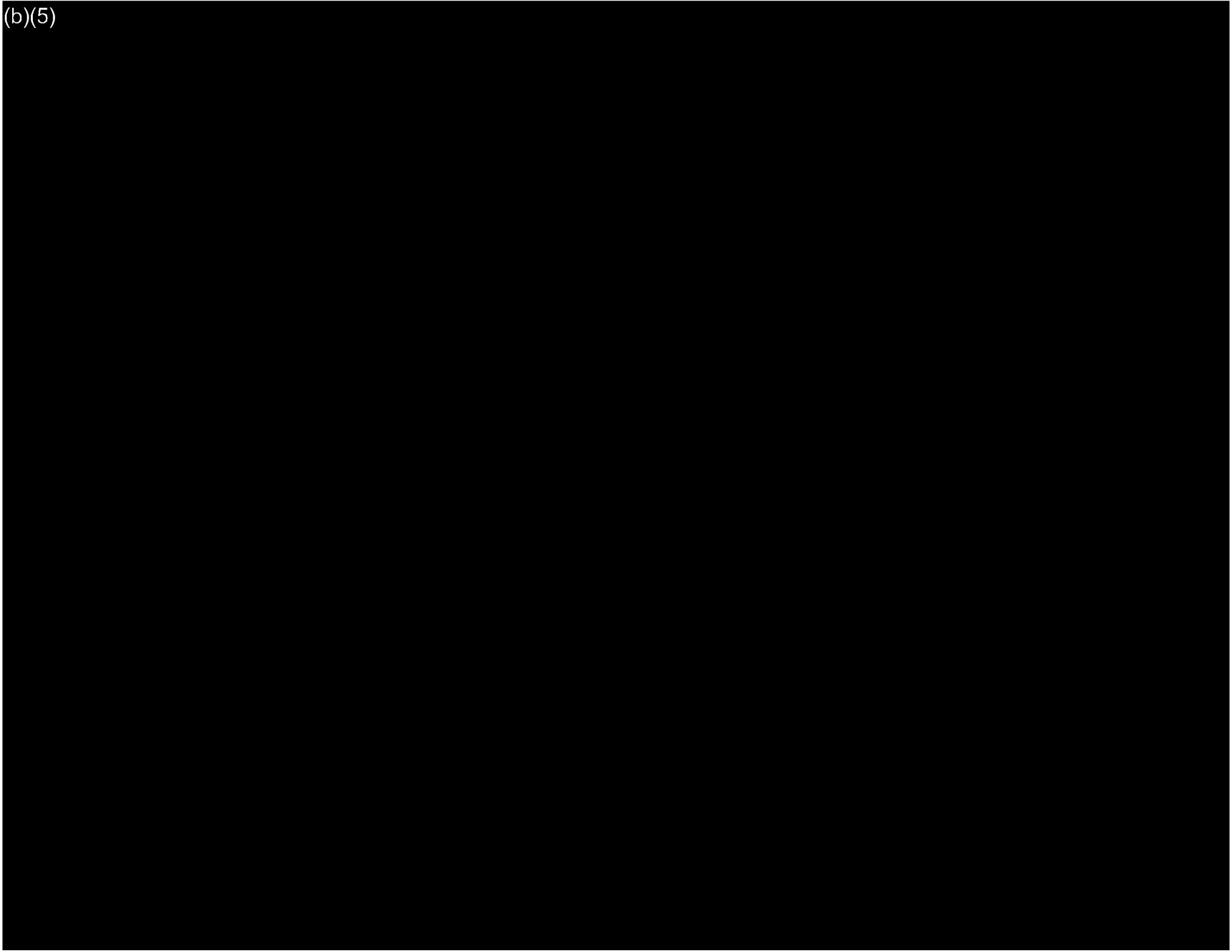
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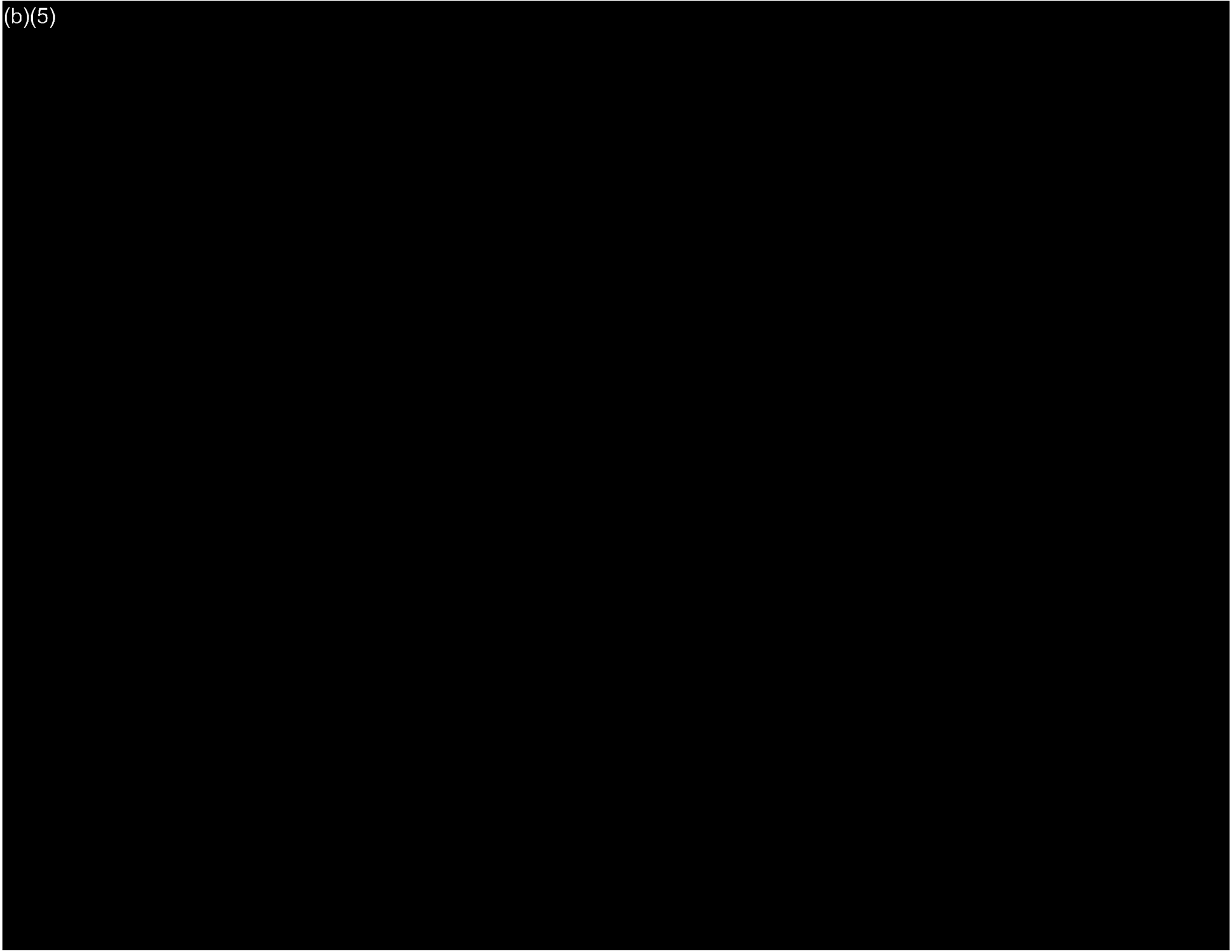
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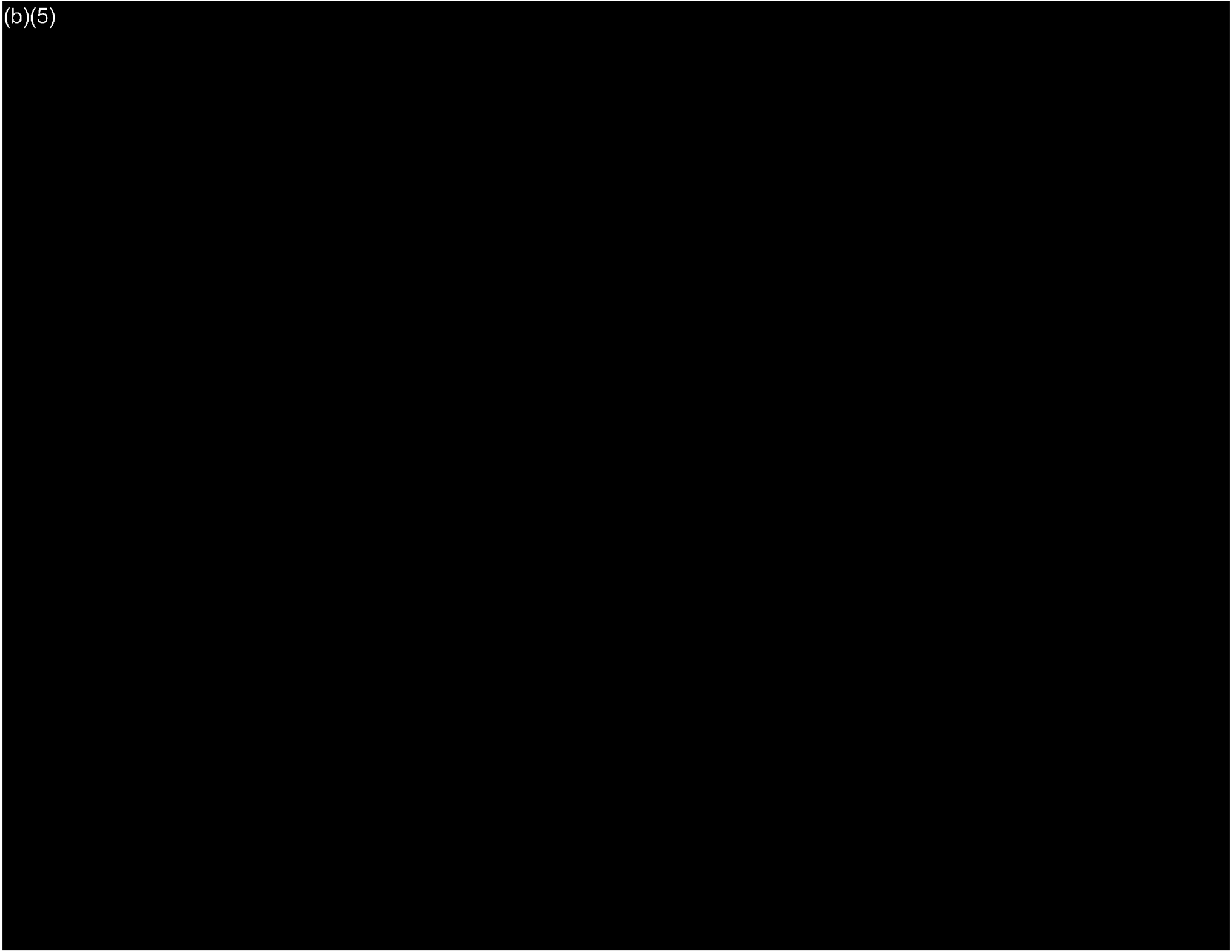

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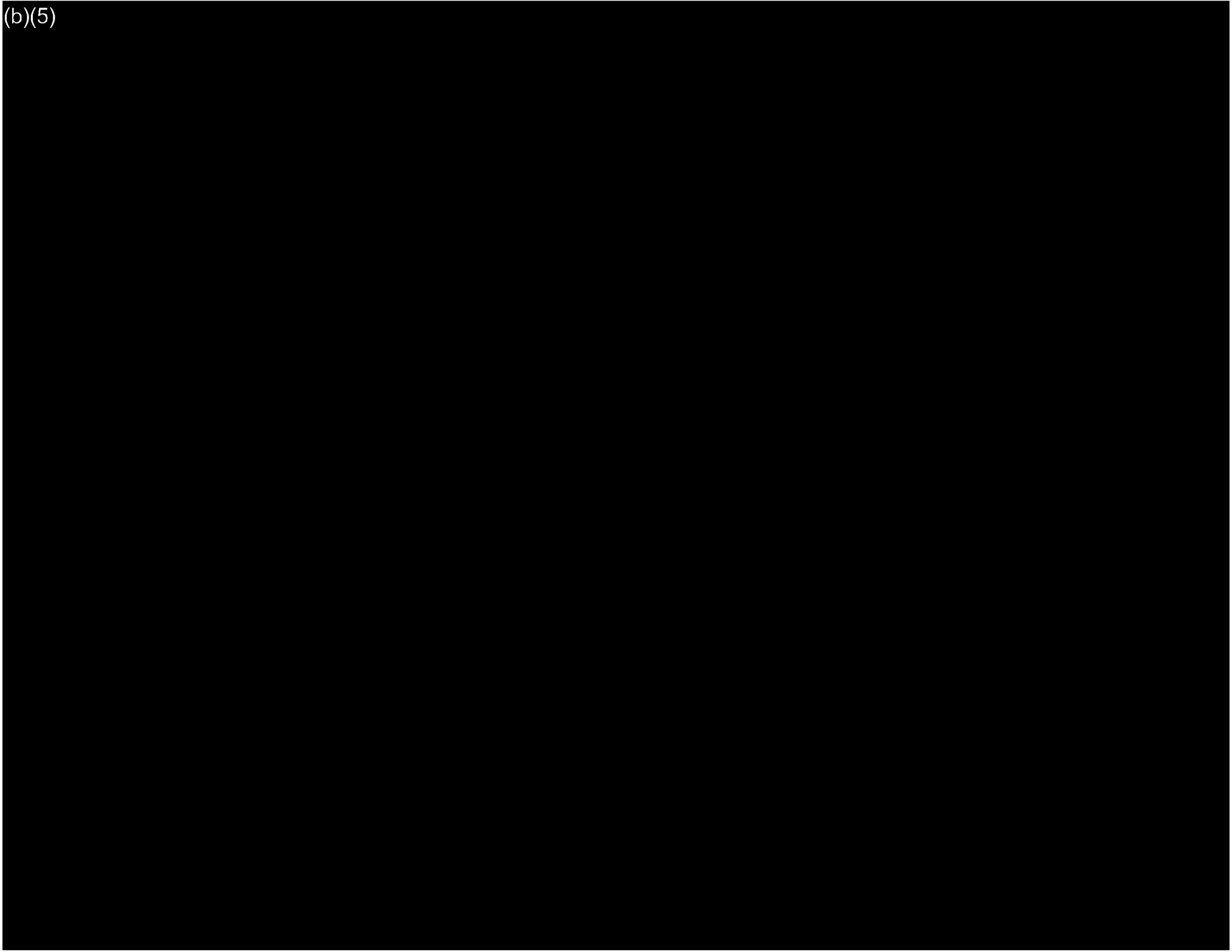

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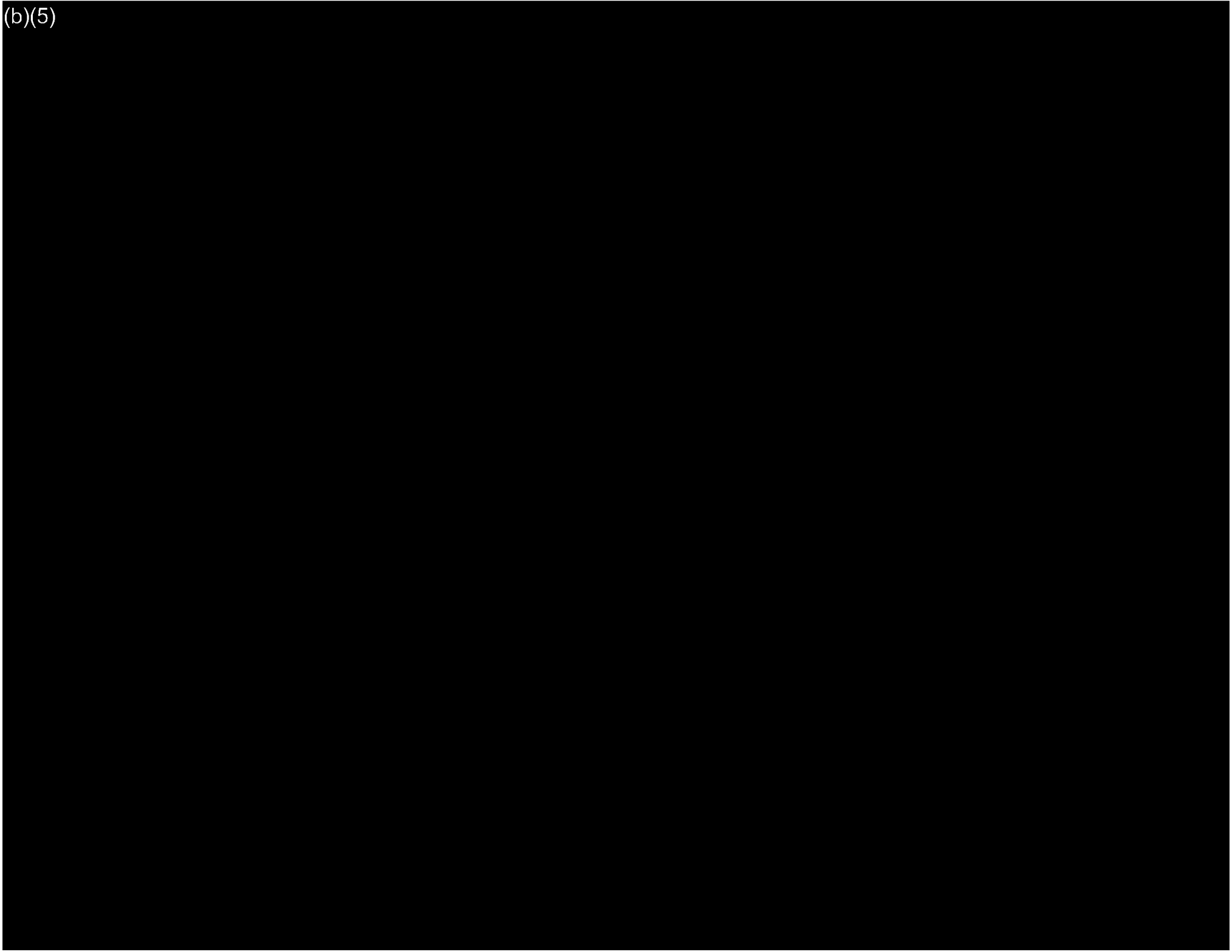

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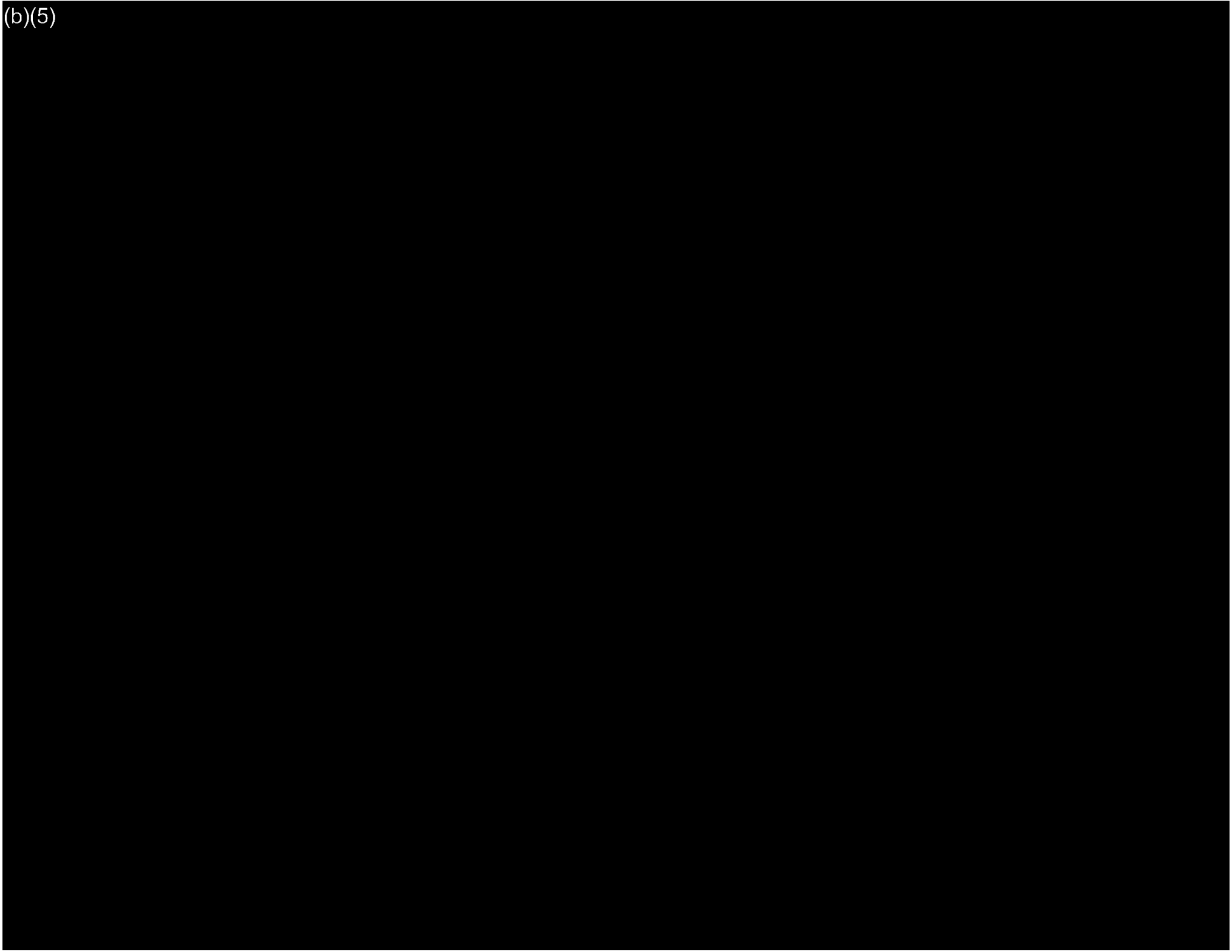

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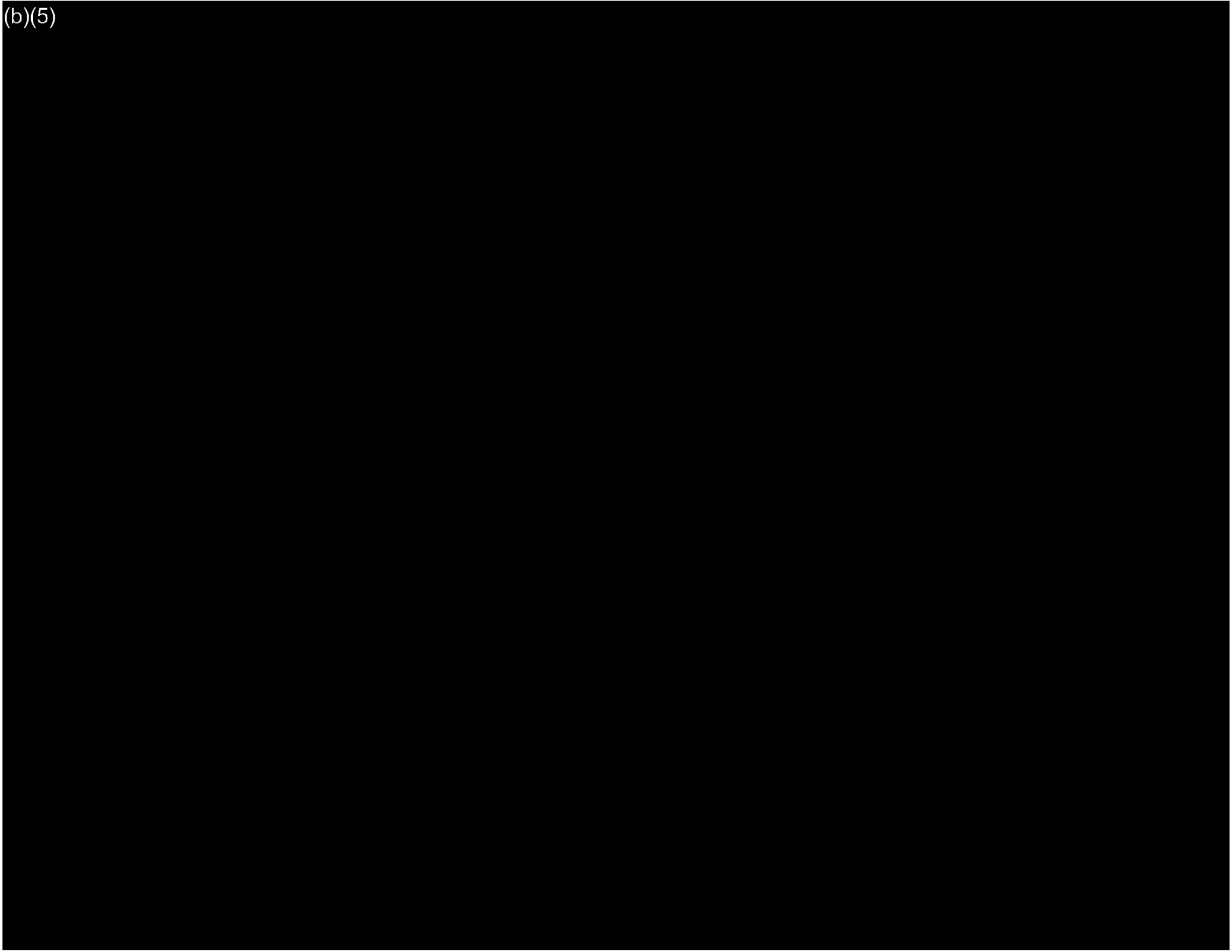

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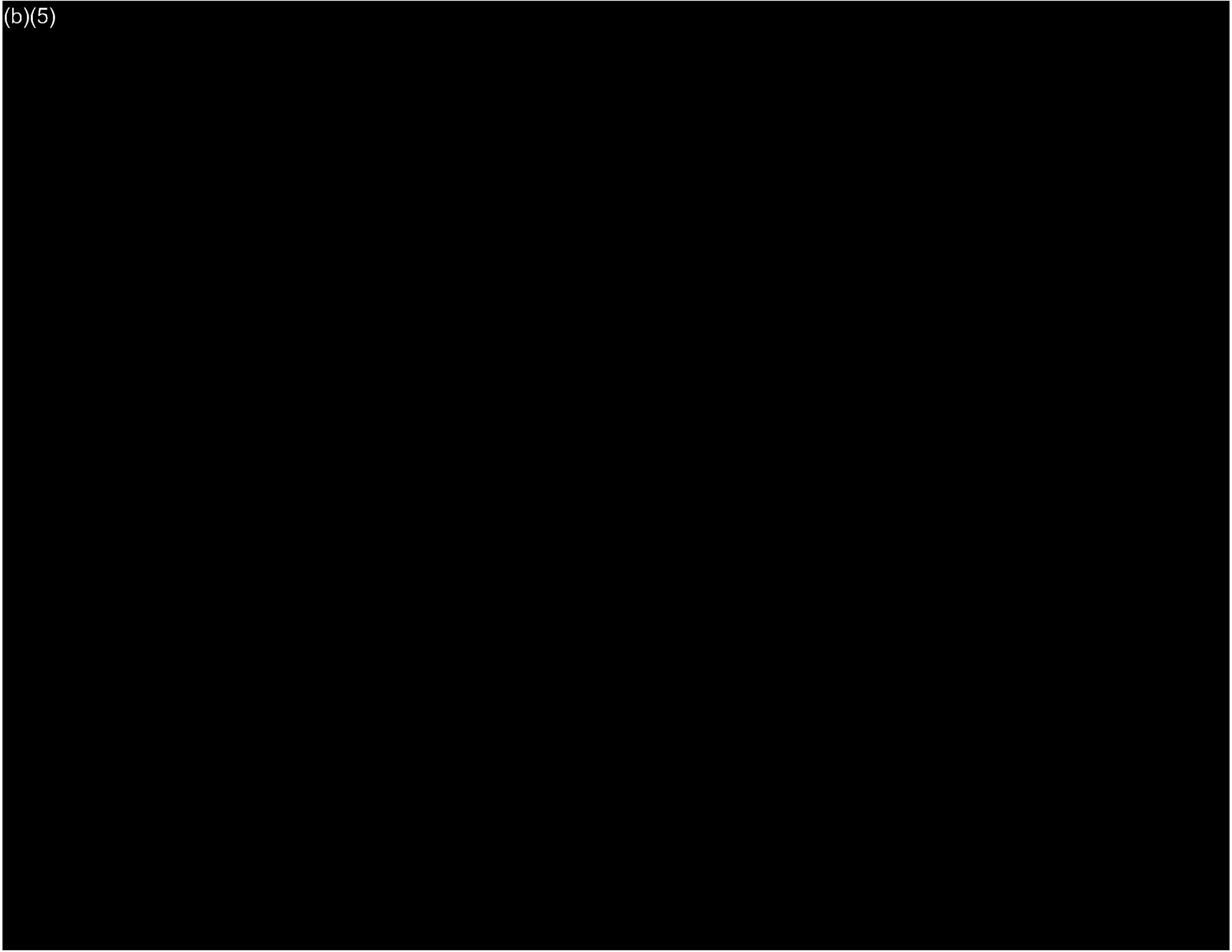

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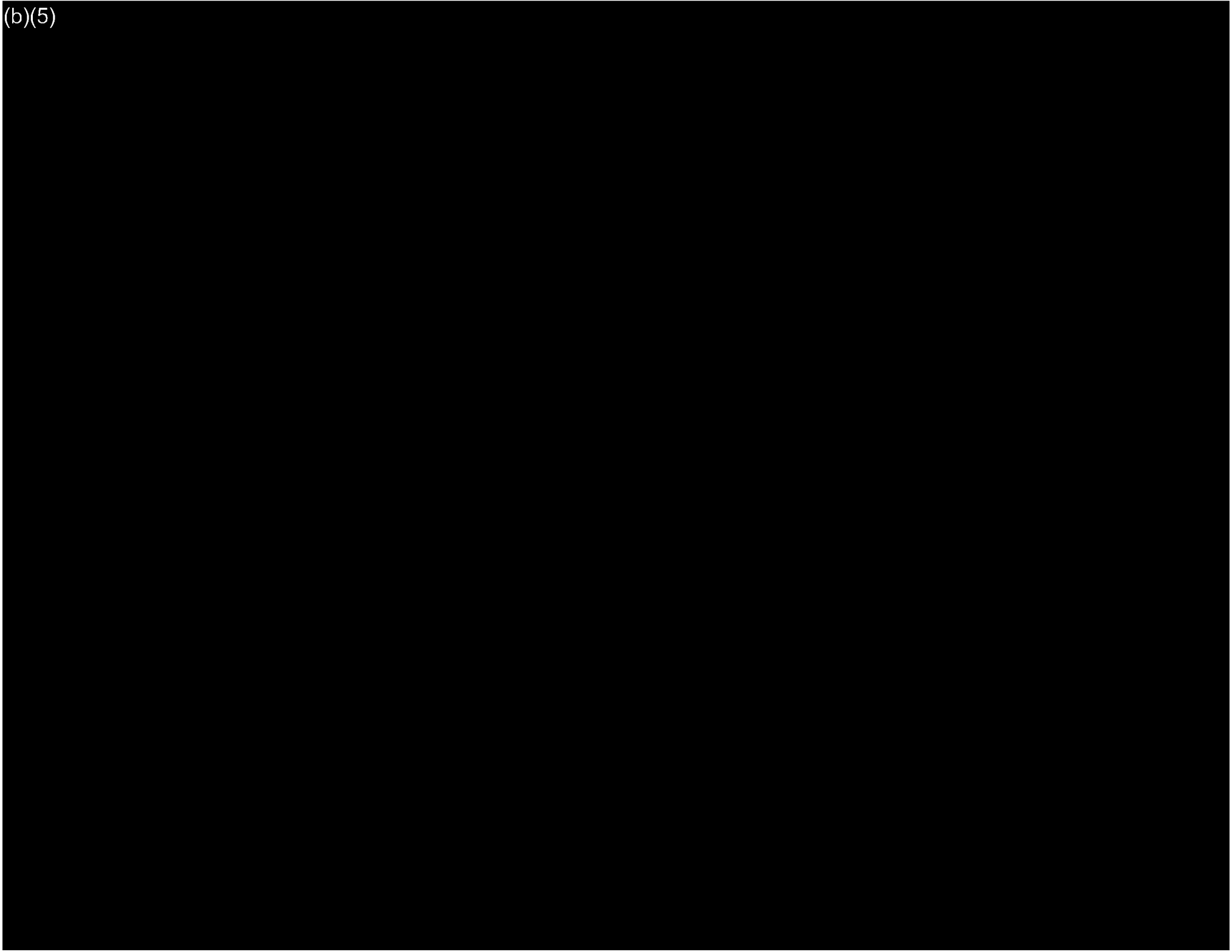

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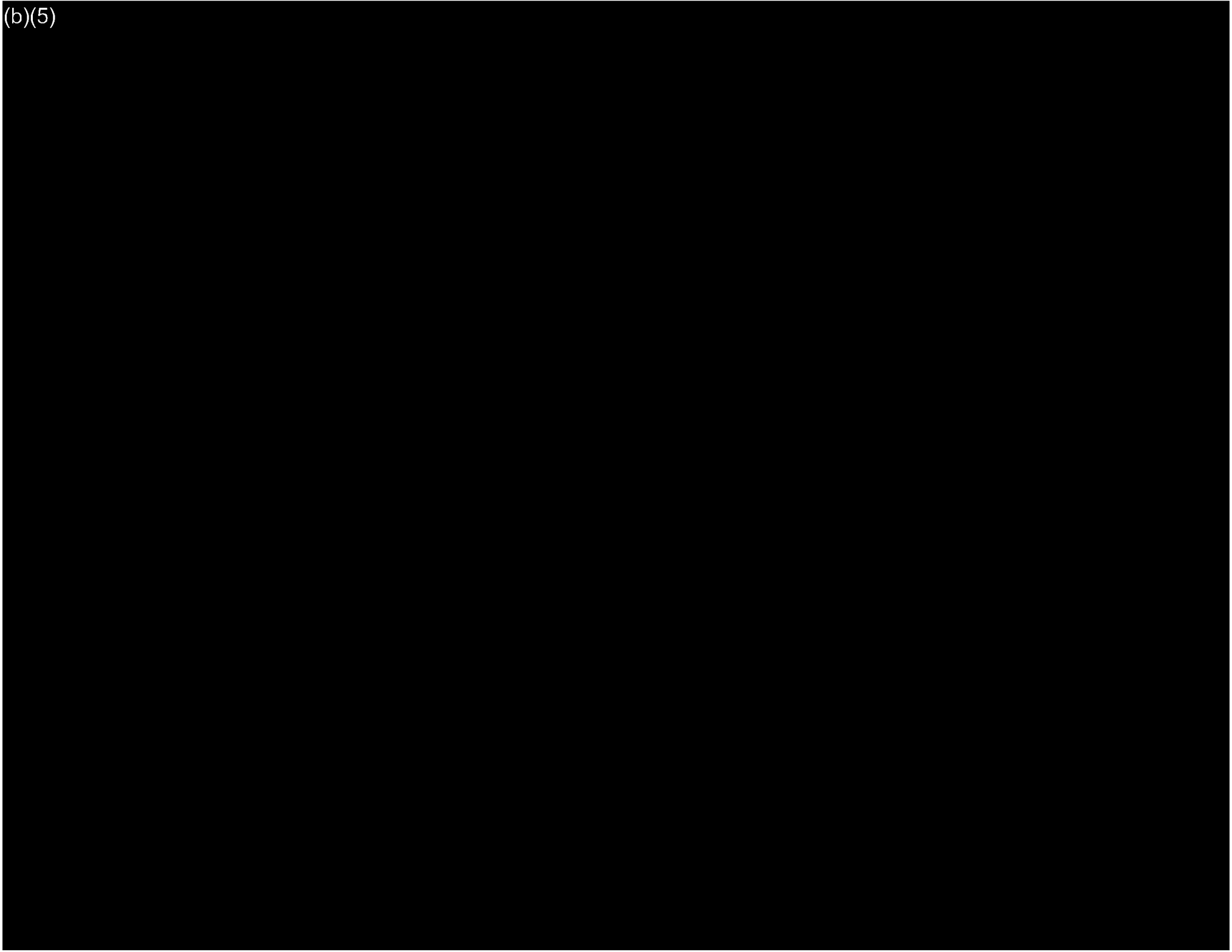

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(b)(5)

From: Leary,Jill C (BPA) - LN-7
Sent: Tuesday, August 8, 2023 11:17 AM
To: Hairston,John L (BPA) - A-7; Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4
Cc: Godwin,Mary E (BPA) - LN-7; Senters,Anne E (BPA) - LN-7; Chong Tim,Marcus H (BPA) - L-7
Subject: FW: [EXTERNAL] FW: CRS Limited Distribution: (b)(3)
Attachments: (b)(3)

(b)(5)

-----Original Message-----
From: Holm, Leanne V CIV USARMY CENWD (USA)
Sent: Tuesday, August 8, 2023 11:07 AM
To: Leary,Jill C (BPA) - LN-7 ; Jeremiah Williamson
Subject: [EXTERNAL] FW: CRS Limited Distribution: (b)(3)

Forwarding.

-----Original Message-----
From: Eitel, Michael (ENRD) <Michael.Eitel@usdoj.gov>
Sent: Tuesday, August 08, 2023 9:09 AM
To: Holm, Leanne V CIV USARMY CENWD (USA) <Leanne.V.Holm2@usace.army.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] FW: CRS Limited Distribution: (b)(3)

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov <mailto:Sara.R.Gonzalez-Rothi@ceq.eop.gov> >
Sent: Tuesday, August 8, 2023 6:47 AM
To: Philibeck Matt <mphilibeck@fmcs.gov <mailto:mphilibeck@fmcs.gov> >; Pryor Brenda <bpryor@fmcs.gov <mailto:bpryor@fmcs.gov> >; Miller Rozmyn <rmiller@fmcs.gov <mailto:rmiller@fmcs.gov> >
Cc: Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov <mailto:Elise.C.Gout@who.eop.gov> >; Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov <mailto:Robyn.N.Cordan@who.eop.gov> >; Pidot, Justin R. EOP/CEQ <Justin.R.Pidot@ceq.eop.gov <mailto:Justin.R.Pidot@ceq.eop.gov> >; Eitel, Michael (ENRD) <Michael.Eitel@usdoj.gov <mailto:Michael.Eitel@usdoj.gov> >
Subject: [EXTERNAL] CRS Limited Distribution: (b)(3)

FMCS Team,

(b)(3)

(b)(3), (b)(5)

[redacted]

v/r,

SGR

Sara Gonzalez-Rothi, Esq. (she/her)

Senior Director for Water

White House Council on Environmental Quality

(b)(6)

Sign up for the CEQ Conservation Updates mailing list


(b)(3), (b)(5)

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Saturday, August 12, 2023 9:33 AM
To: Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7
Cc: Daly, Gabriel; Baumann, Jeremiah
Subject: [EXTERNAL] FW: Six Sovereigns Memo
Attachments: 6-Sovereigns Perspective Memo_Aligning USG Commitments with CBRI to Support a Litigation Stay Extension (final clean 8.11.23).pdf

Importance: High

Raising this in inboxes to make sure everyone sees it before Monday.

Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6)
www.energy.gov

From: Philibeck Matt
Sent: Saturday, August 12, 2023 8:00 AM
To: John.D.Podesta@who.eop.gov; robyn.s.colosimo.civ@army.mil; michael.l.connor10.civ@army.mil; Frances.E.Coffey@usace.army.mil; Lorri.J.Gray@usace.army.mil; Hairston, John ; Baumann, Jeremiah ; Daly, Gabriel ; Ralph, James ; Armentrout, Scott G ; Ardis, Melissa ; Robert.Anderson@sol.doi.gov; Kate_Kelly@ios.doi.gov; jcarrington@usbr.gov; hugh_morrison@fws.gov; laura.bloomer@sol.doi.gov; danna_jackson ; gary_gold@ios.doi.gov; janet.coit@noaa.gov; walker.smith@noaa.gov; mike.tehan@noaa.gov; Seth.Barsky@usdoj.gov; Jay.Govindan@usdoj.gov; Michael.eitel@usdoj.gov; Justin.r.pidot@ceq.eop.gov; sara.r.gonzalez-rothi@ceq.eop.gov; elizabeth.e.molle-carr@omb.eop.gov; Elise.C.Gout@who.eop.gov; Robyn.N.Cordan@who.eop.gov
Cc: Pryor Brenda ; Miller Rozmyn
Subject: [EXTERNAL] Six Sovereigns Memo
Importance: High

Dear Policy Team,

(b)(5)

Respectfully,

Matt Philibeck
Commissioner
Serving the State of New Mexico
Federal Mediation and Conciliation Service (FMCS)

(505) 225-2551 (O)
(b)(6) (M)
mphilibeck@fmcs.gov

FMCS services also offered virtually! Click HERE to learn more.

****
This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

****

(b)(4)

(b)(4)

(b)(4)

(b)(4)

From: Leary,Jill C (BPA) - LN-7
Sent: Monday, September 11, 2023 4:13 PM
To: Sullivan,Leah S (BPA) - PGB-5; Anasis,John G (TFE)(BPA) - TOOP-DITT-2; Hawkins,Robert E (BPA) - PGSP-5; Mosier,Shane W (BPA) - PGSP-5
Cc: Godwin,Mary E (BPA) - LN-7; Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4
Subject: FW: [EXTERNAL] Confidential Supporting Materials for Interim Operations Meetings
Attachments: CBRI Interim Ops.pptx; CBRI Operations Tracking Matrix.xlsx

Confidential and privileged attorney client communication/FOIA-exempt

(b)(5)

Thanks,
Jill

From: Philibeck Matt
Sent: Monday, September 11, 2023 4:05 PM
To: Pryor Brenda ; Miller Rozmyn
Subject: [EXTERNAL] Confidential Supporting Materials for Interim Operations Meetings

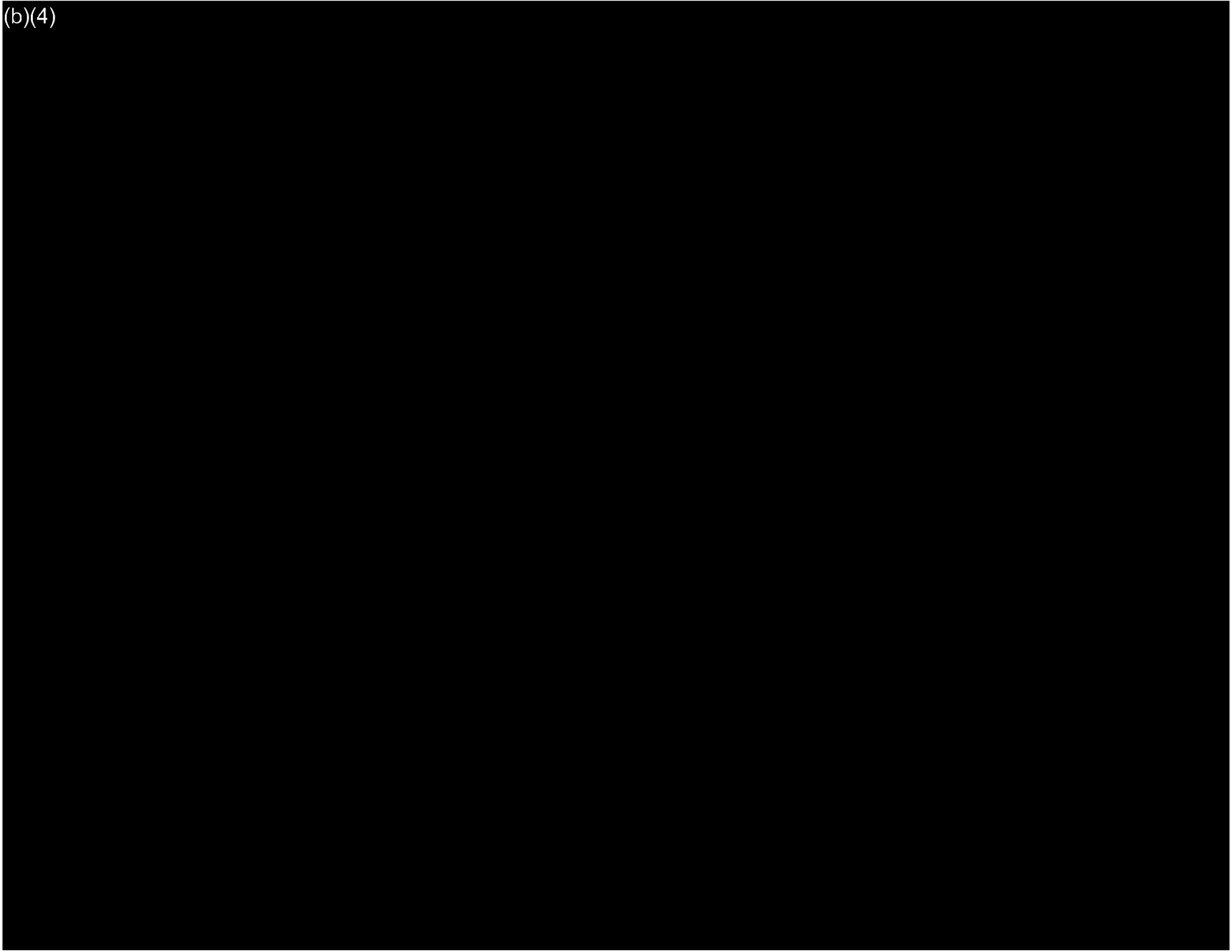
To All –

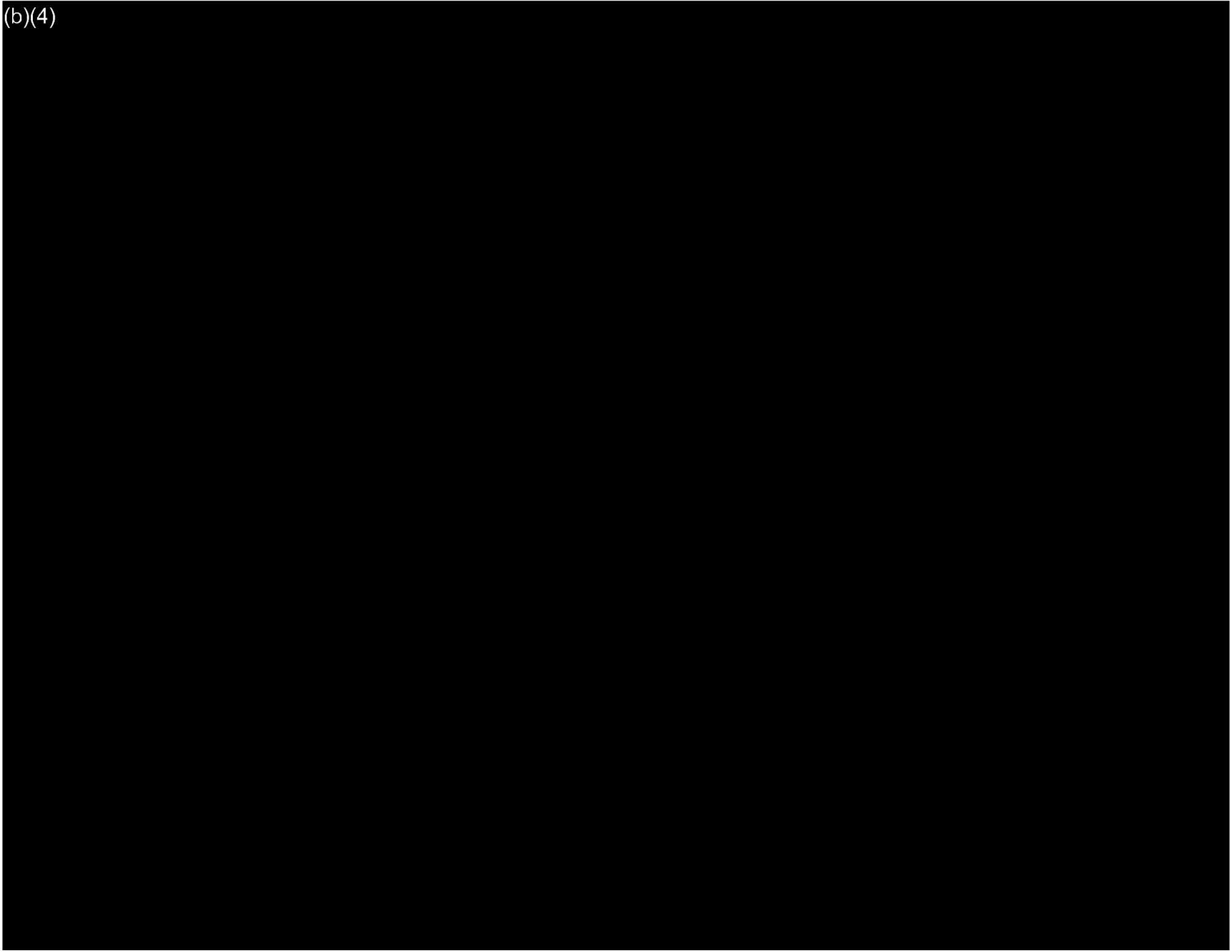
Please find attached a PowerPoint slide deck and Excel spreadsheet from the 6-Sovereigns group in support of the upcoming operations meetings. These are confidential aids intended only for those attending the meeting, please do not distribute outside of your respective group.

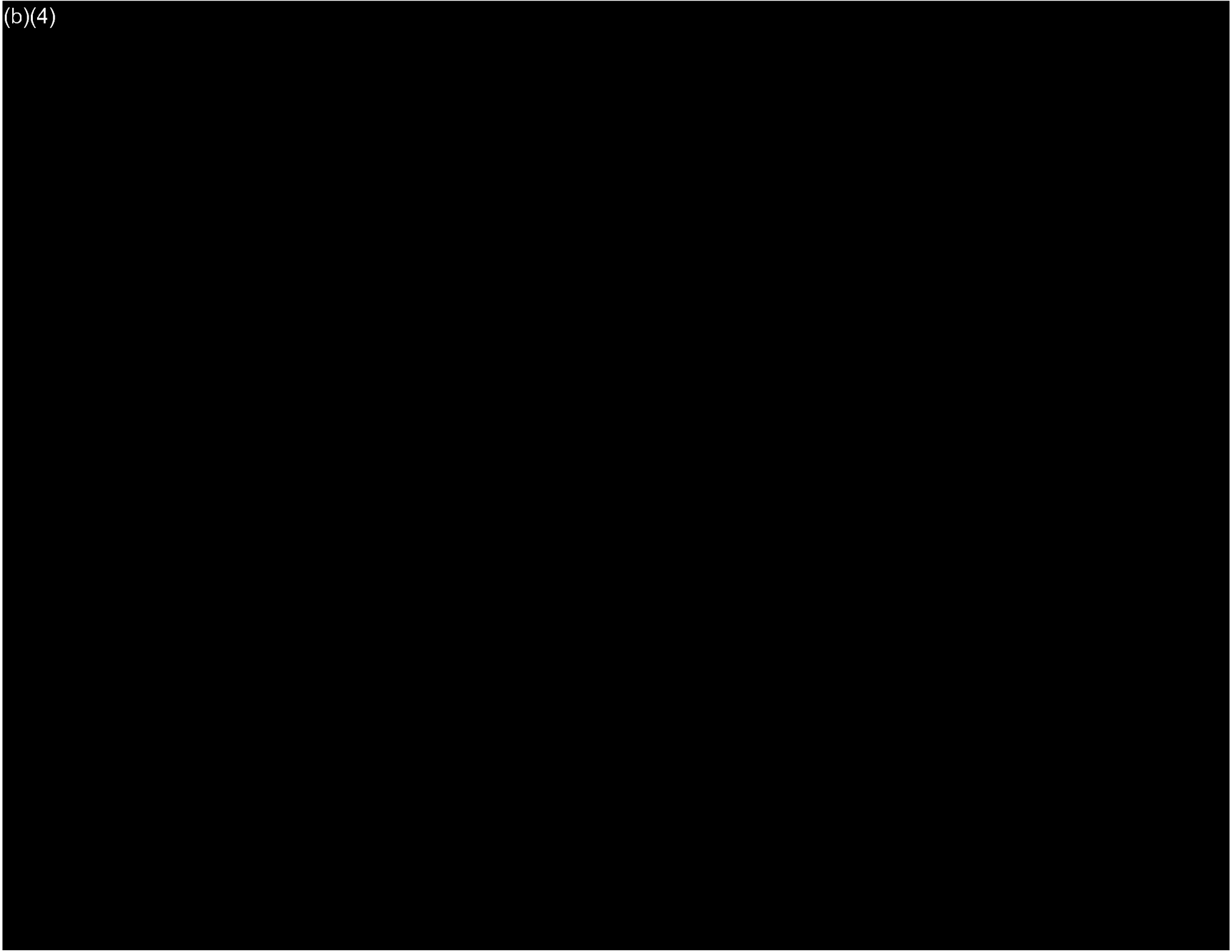
Respectfully,

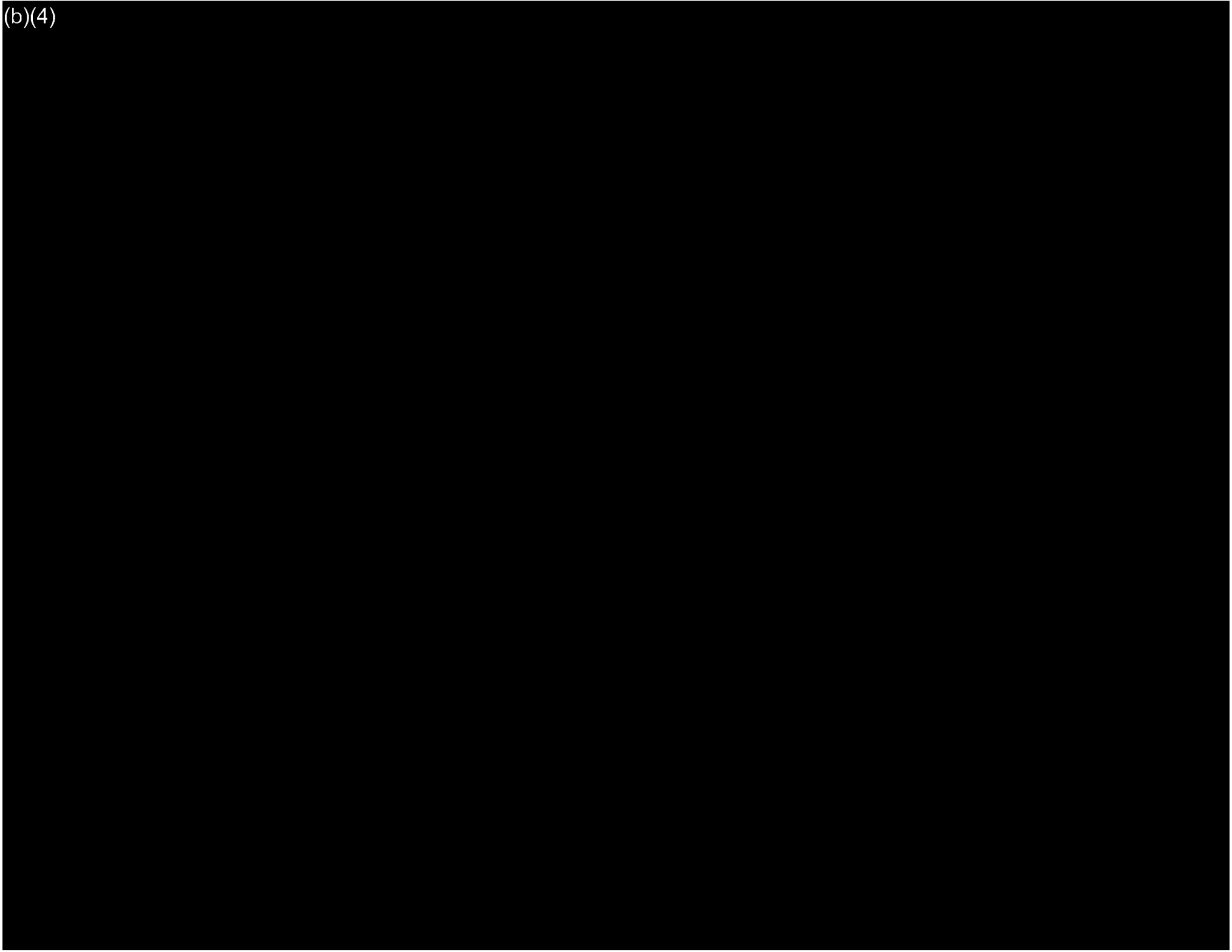
Matt Philibeck
Commissioner
Serving the State of New Mexico
Federal Mediation and Conciliation Service (FMCS)
(505) 252-5204
mphilibeck@fmcs.gov

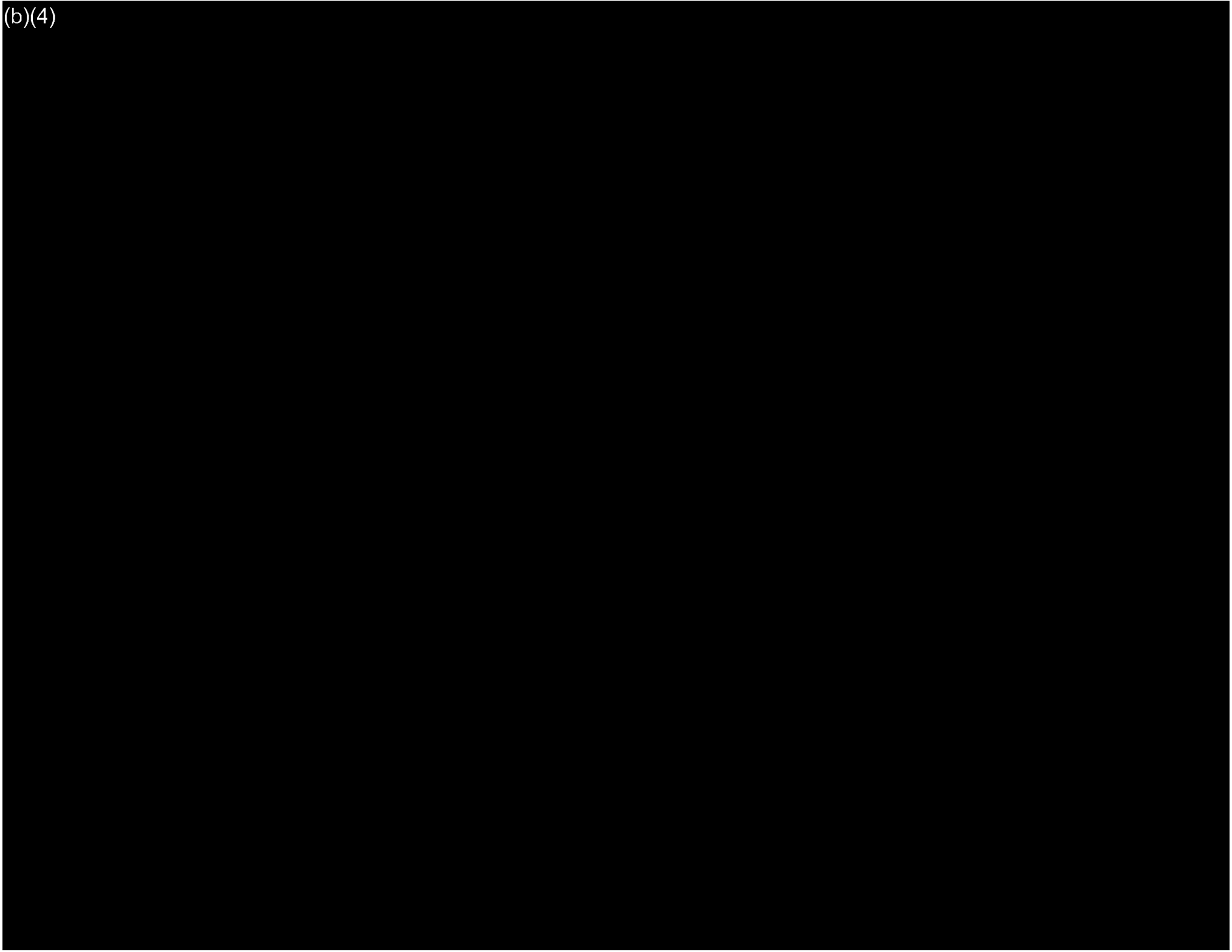
FMCS services also offered virtually! Click HERE to learn more.

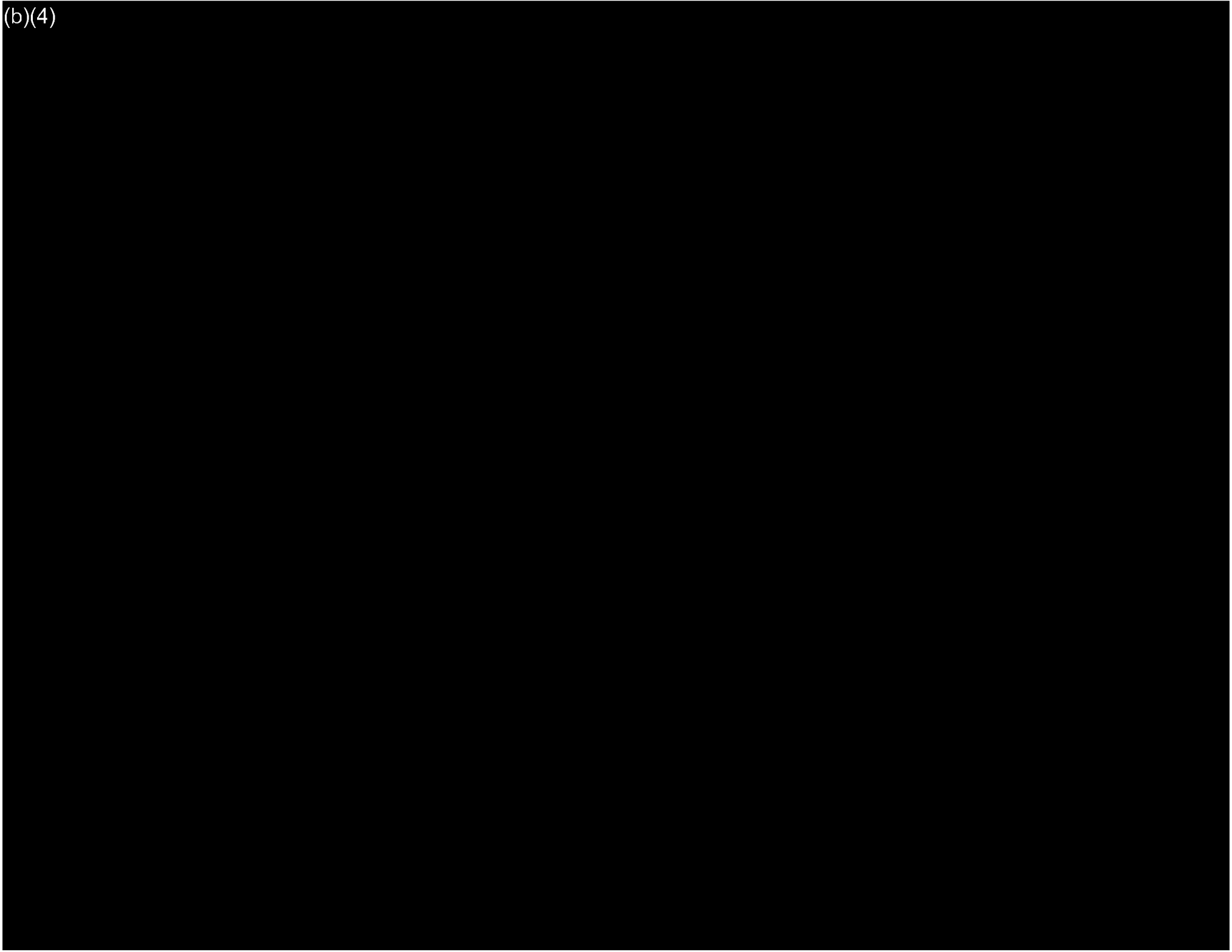

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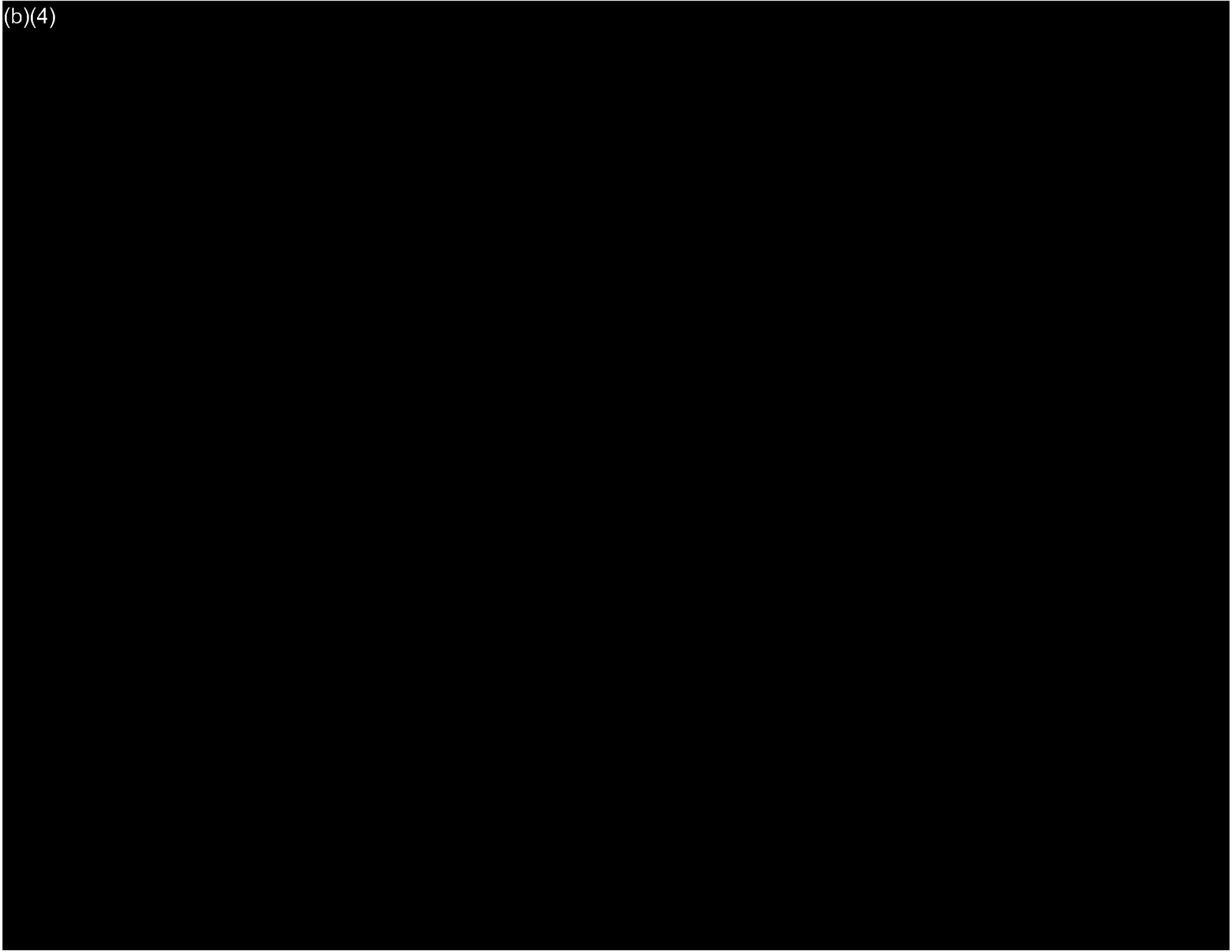

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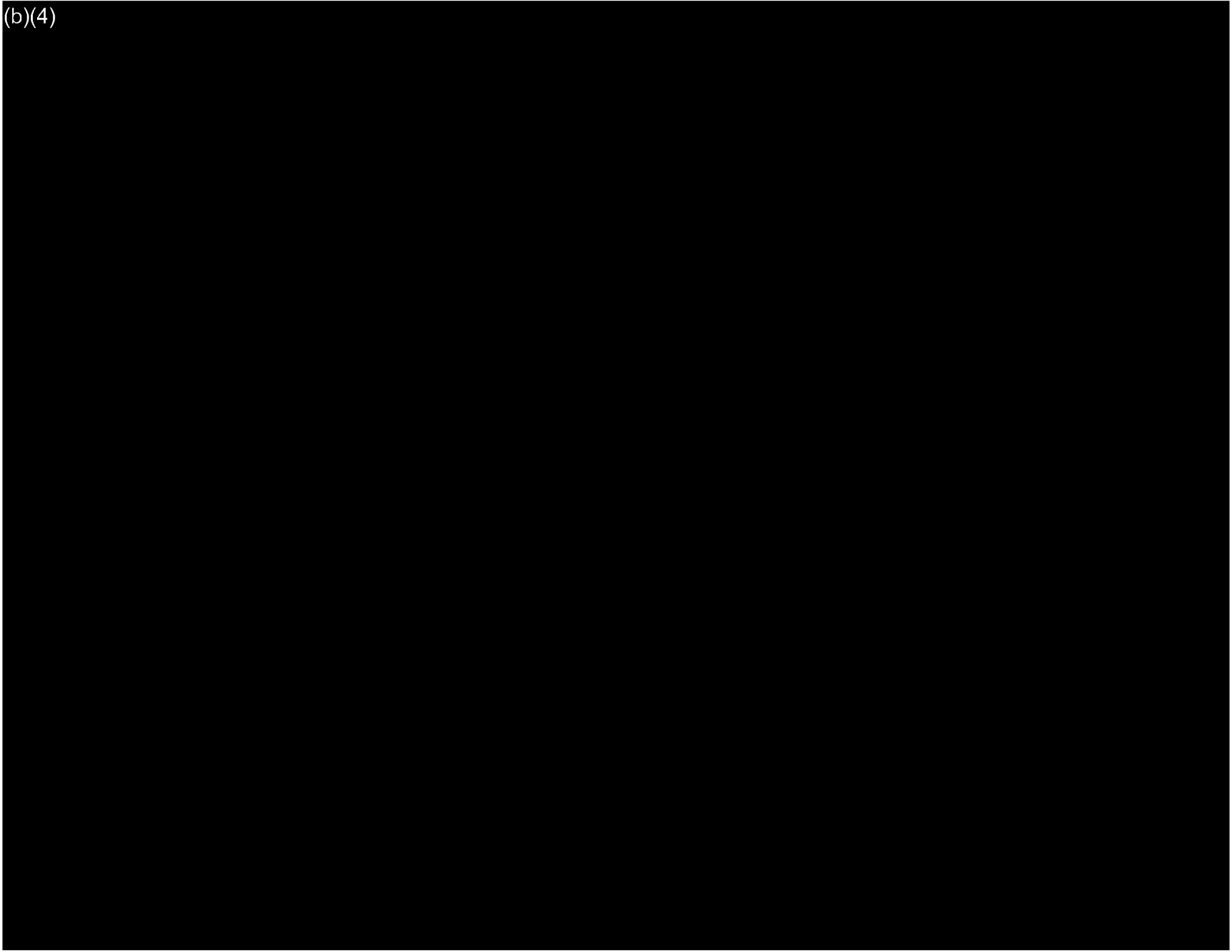

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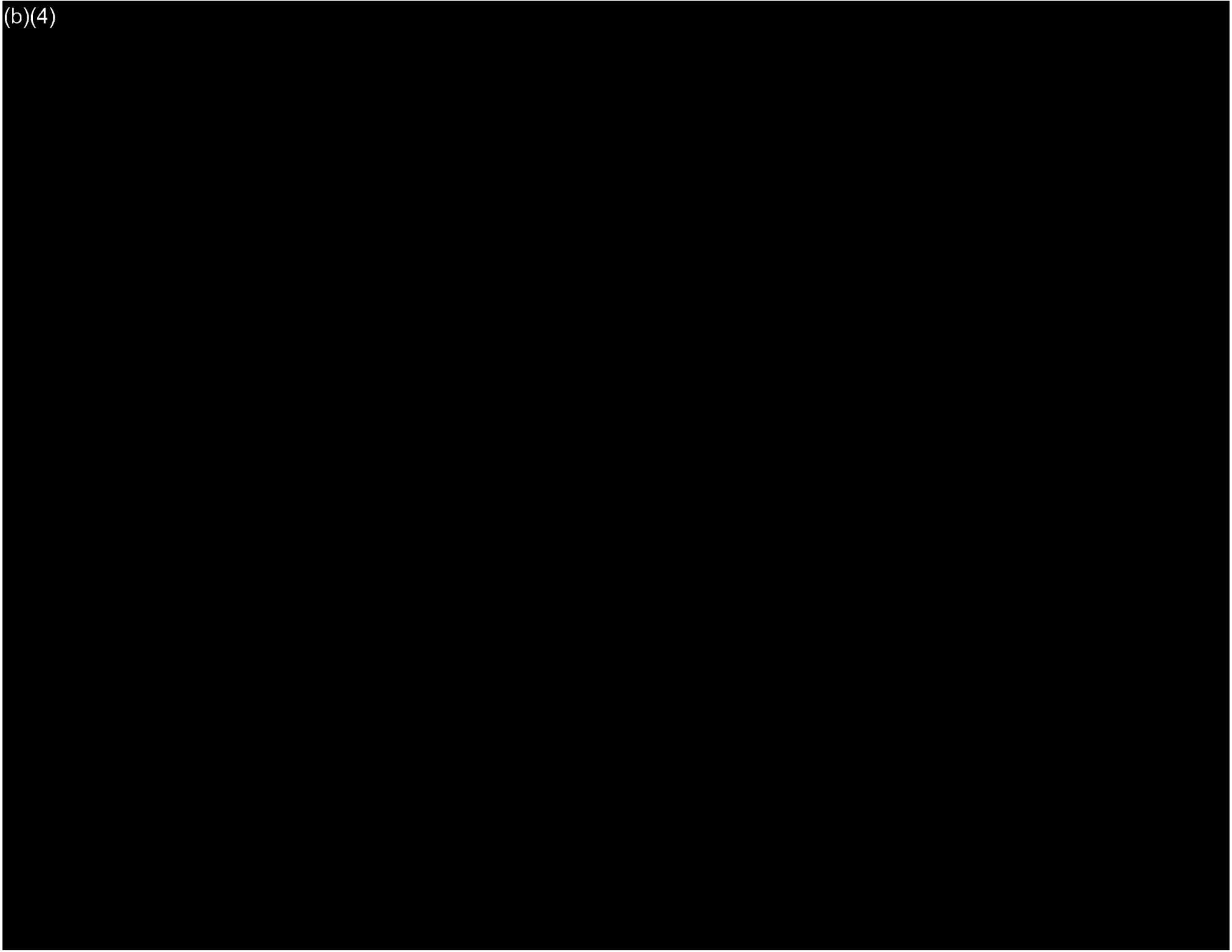

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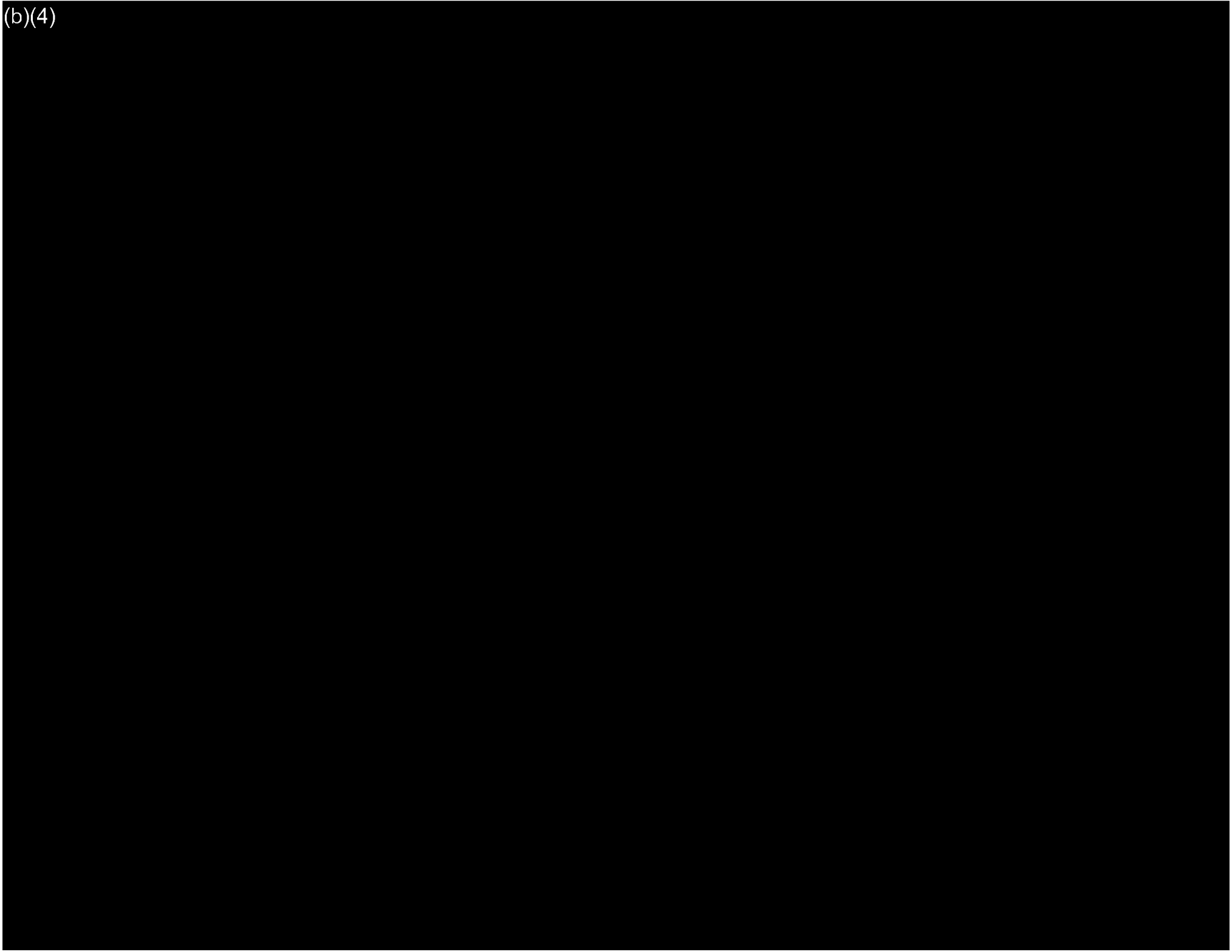

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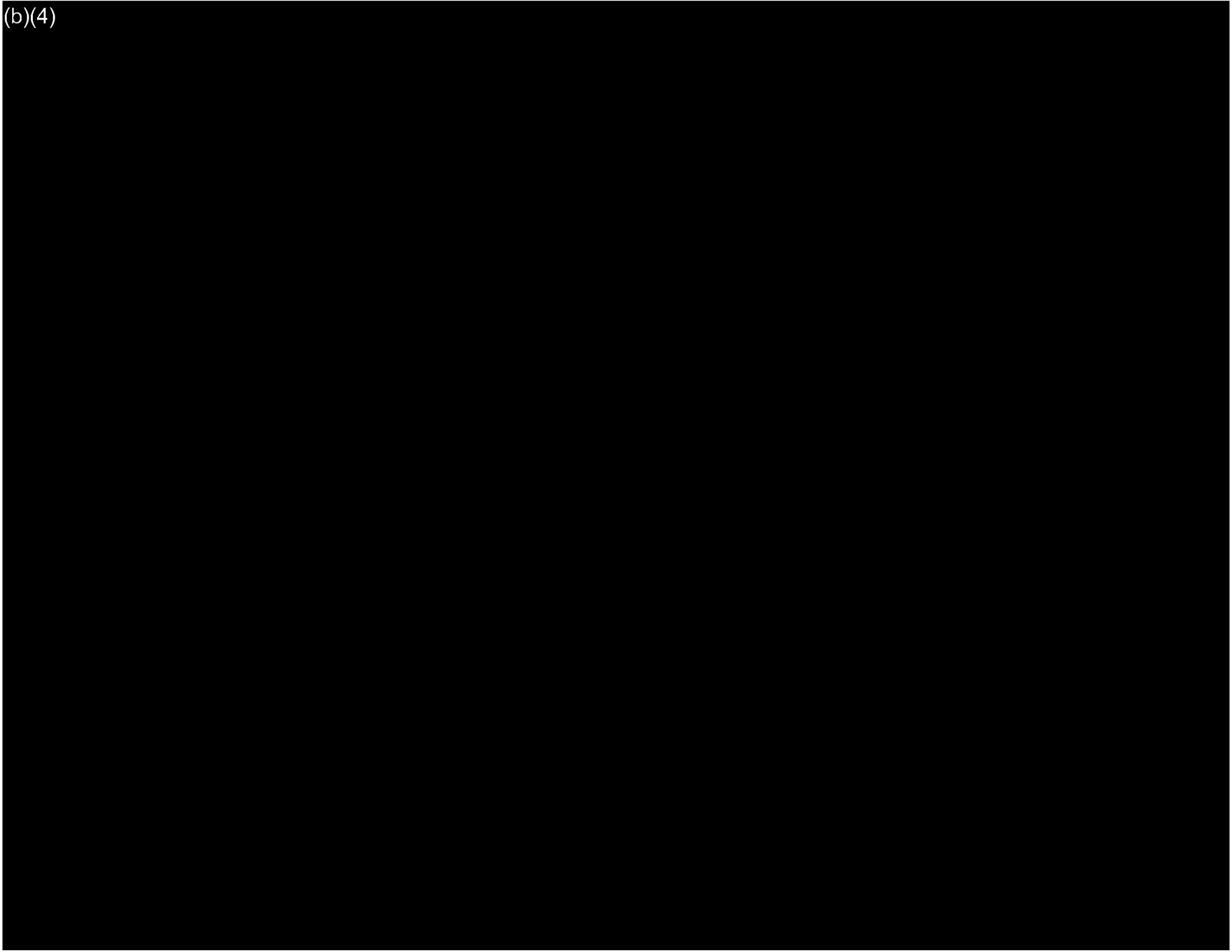

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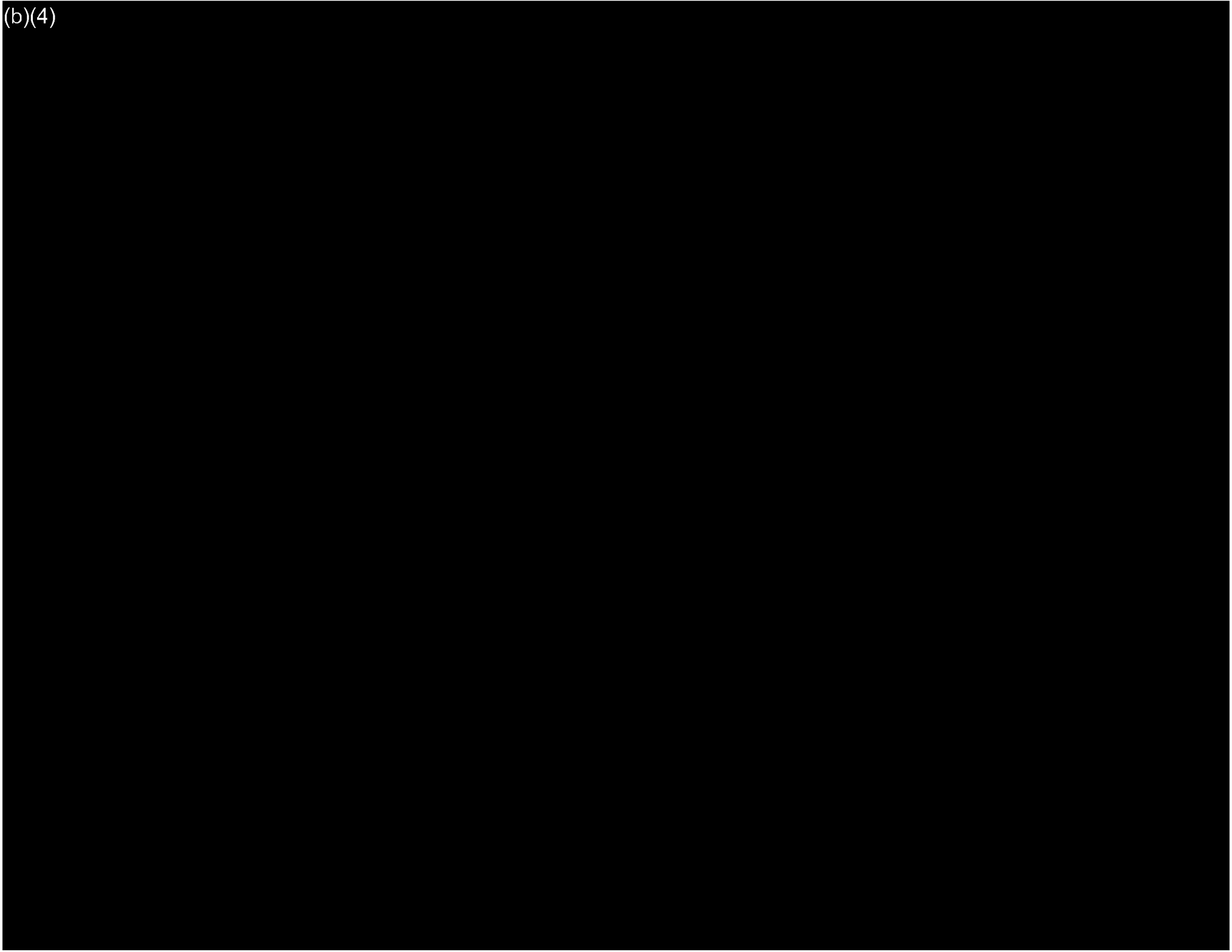

(b)(4)

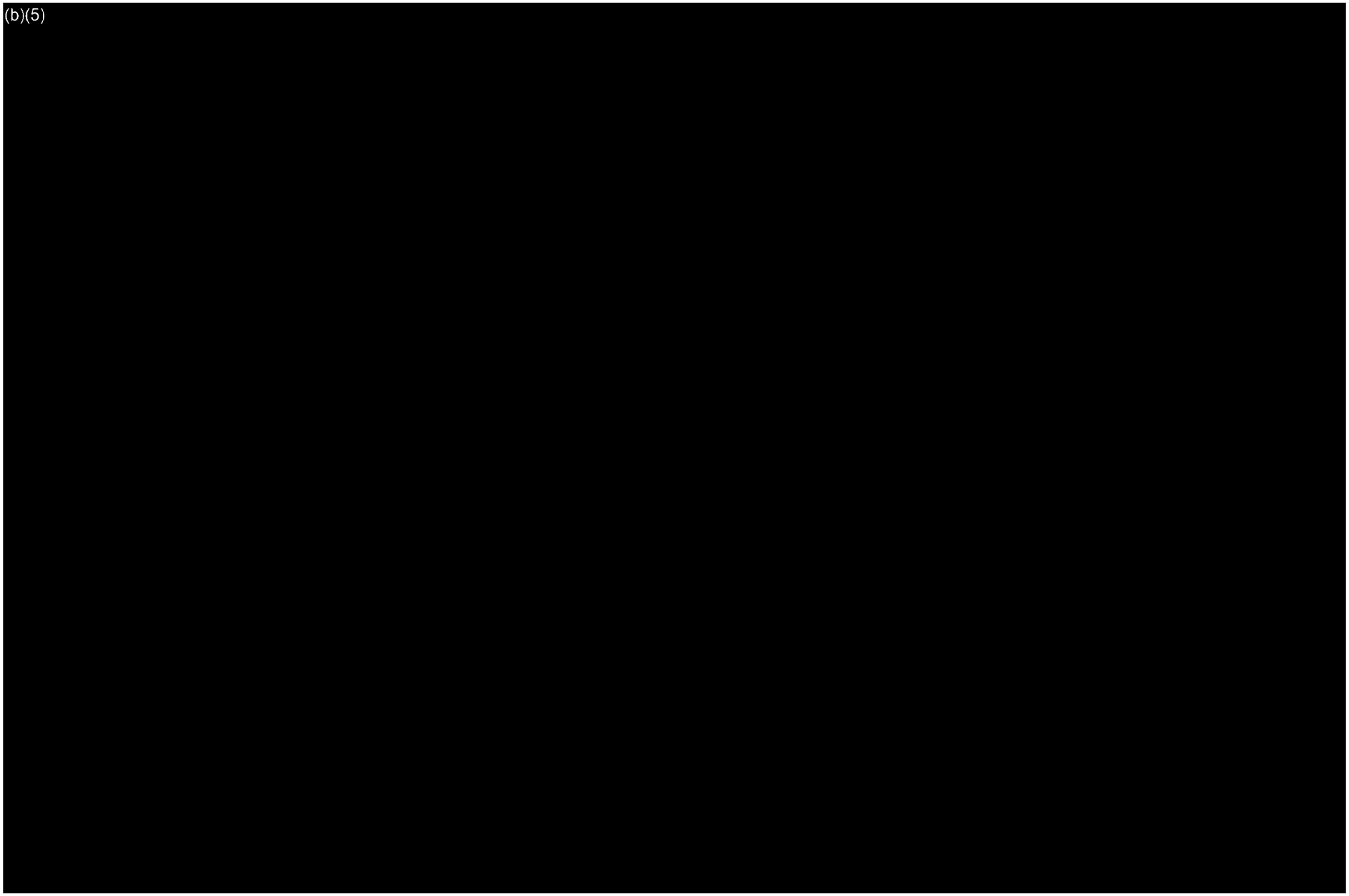

(b)(4)


(b)(4)


(b)(4)


(b)(4)


(b)(4)


(b)(5)


(b)(5)

From: Leary,Jill C (BPA) - LN-7
Sent: Wednesday, September 13, 2023 7:01 AM
To: Leanne Holm (Leanne.V.Holm2@usace.army.mil)
Cc: Armentrout,Scott G (BPA) - E-4; Sullivan,Leah S (BPA) - PGB-5; Zelinsky,Benjamin D (BPA) - E-4; Godwin,Mary E (BPA) - LN-7
Subject: FW: [EXTERNAL] Ops - homework assignment
Attachments: Copy of CBRI Operations Tracking Matrix - USGBPA913.xlsx

Confidential and privileged attorney client communication/FOIA-exempt
Hi Leanne,

(b)(5)

Thanks,
Jill

From: Springer, Roland K
Sent: Tuesday, September 12, 2023 10:38 PM
To: Mirick, Patrick P ; Sullivan,Leah S (BPA) - PGB-5 ; Barrow, Brandon E ; Bloomer, Laura A ; Cordan, R. Nicole N. EOP/WHO ; D'Ambrosio, Jocelyn M (NOC) ; frances.e.coffey@usace.army.mil; Daly, Gabriel ; Gold, Gary M ; Gout, Elise C. EOP/WHO ; Morrison, Hugh R ; Jackson, Danna R ; James Ralph (james.ralph@hq.doe.gov) ; janet.coit@noaa.gov; jay.govindan@usdoj.gov; Carrington, Jennifer J ; Baumann, Jeremiah (DOE HQ) ; Hairston,John L (BPA) - A-7 ; Gordon, Judith ; Justin.R.Pidot@ceq.eop.gov; Kelly, Katherine P ; Kautzky, Kevin J ; Lorri.J.Gray@usace.army.mil; Ardis, Melissa ; michael.l.connor10.civ@army.mil; Tehan, Michael (NOAA) ; Elizabeth E. Molle-Carr ; Pfaeffle, Frederick ; Anderson, Robert T ; robyn.s.colosimo.civ@army.mil; Sara.R.Gonzalez-Rothi@ceq.eop.gov; Seth.Barsky@usdoj.gov; Armentrout,Scott G (BPA) - E-4 ; Smail, Jill R ; Trujillo, Tanya M ; walker.smith@noaa.gov; zachary.penney@noaa.gov; Zelinsky,Benjamin D (BPA) - E-4 ; bradley.e.thompson@usace.army.mil; Chris McNulty ; McGrath, Claire C ; Dan Feil (US ACE) ; Frankel, David S (USDOJ) ; BrittonKuttel, Erin ; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) ; Wilson, Frank S ; Turner, Frederick H (USDOJ) ; Bottcher, Jared L ; Leary,Jill C (BPA) - LN-7 ; Williamson, Jeremiah I ; Holm, Leanne V (USACE) ; Godwin,Mary E (BPA) - LN-7 ; Eitel, Michael R (USDOJ) ; Clark, Michael L ; ritchie.graves ; Romney Philpott ; ryan.couch ; Hoefer, Scott E ; Dykstra, Timothy A (USACE)
Subject: Re: [EXTERNAL] Ops - homework assignment

Thanks to everyone for the quick turn tonight. I have combined all the information into the attached USG spreadsheet. The information we added is in Columns F-J (Biological through Financial). I will also point out the Accommodation column (Column D) populated by the 7Sov - it represents concepts like Jay Hesse mentioned to (b)(5)

Here are a few notes/recommendations for USG coordination in polishing it up for Wednesday's meeting:

1. The Corps needs to do a QC check on their content, so I'm turning over control of the master to them.
2. Column F (Biological Concerns/Constraints): Most of the material is from NMFS and FWS. Limited Corps additions are in brown font. We should change it to black before we share outside of USG.
3. Column F:(b)(5)
   (b)(5)

4. Column H (Safety): Most of the Corps entries have "x - " at the beginning. The meaning isn't immediately clear, so we'll need to describe it in the meeting or delete those characters if they're not necessary. Corps please address in your review.
5. Column I (Reliability): There are many "Not applicable" entries. Let's consider deleting them for consistency with the rest of the table, although Bonneville might have a particular reason for including.

Talk to you in the morning,
Roland

Roland Springer
Deputy Regional Director
Interior Region 9: Columbia-Pacific Northwest
Bureau of Reclamation
rspringer@usbr.gov
208-378-5006 (office)(b)(6) (cell)

From: Springer, Roland K <rspringer@usbr.gov>
Sent: Tuesday, September 12, 2023 5:17 PM
To: Mirick, Patrick P <patrick.mirick@pnnl.gov>; Sullivan,Leah S (BPA) - PGB-5 <lssullivan@bpa.gov>; Barrow, Brandon E <bbarrow@usbr.gov>; Bloomer, Laura A <laura.bloomer@sol.doi.gov>; Cordan, R. Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; D'Ambrosio, Jocelyn M (NOC) ; frances.e.coffey@usace.army.mil <frances.e.coffey@usace.army.mil>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Gold, Gary M <gary_gold@ios.doi.gov>; Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Jackson, Danna R <danna_jackson@ios.doi.gov>; James Ralph (james.ralph@hq.doe.gov) <james.ralph@hq.doe.gov>; janet.coit@noaa.gov <janet.coit@noaa.gov>; jay.govindan@usdoj.gov <jay.govindan@usdoj.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Baumann, Jeremiah (DOE HQ) <jeremiah.baumann@hq.doe.gov>; jlhairston@bpa.gov <jlhairston@bpa.gov>; Gordon, Judith <judith_gordon@fws.gov>; Justin.R.Pidot@ceq.eop.gov <Justin.R.Pidot@ceq.eop.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; Kautzky, Kevin J <Kevin.Kautzky@pnnl.gov>; Lorri.J.Gray@usace.army.mil <Lorri.J.Gray@usace.army.mil>; Ardis, Melissa <melissa.ardis@hq.doe.gov>; michael.l.connor10.civ@army.mil <michael.l.connor10.civ@army.mil>; Tehan, Michael (NOAA) <michael.tehan@noaa.gov>; Elizabeth E. Molle-Carr <Elizabeth.E.Molle-Carr@omb.eop.gov>; Pfaeffle, Frederick <frederick.pfaeffle@hq.doe.gov>; Anderson, Robert T <Robert.Anderson@sol.doi.gov>; robyn.s.colosimo.civ@army.mil <robyn.s.colosimo.civ@army.mil>; Sara.R.Gonzalez-Rothi@ceq.eop.gov <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Seth.Barsky@usdoj.gov <Seth.Barsky@usdoj.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Smail, Jill R <smailjr@state.gov>; Trujillo, Tanya M <tanya_trujillo@ios.doi.gov>; walker.smith@noaa.gov <walker.smith@noaa.gov>; zachary.penney@noaa.gov <zachary.penney@noaa.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; bradley.e.thompson@usace.army.mil <bradley.e.thompson@usace.army.mil>; Chris McNulty <chris.mcnulty@noaa.gov>; McGrath, Claire C <cmcgrath@usbr.gov>; dan.h.feil@usace.army.mil <dan.h.feil@usace.army.mil>; Frankel, David S (USDOJ) <david.frankel@usdoj.gov>; BrittonKuttel, Erin <erin_brittonkuttel@fws.gov>; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) <Timothy.M.Fleeger@usace.army.mil>; Wilson, Frank S <Frank.Wilson@sol.doi.gov>; Turner, Frederick H (USDOJ) <frederick.turner@usdoj.gov>; Bottcher, Jared L <jared_bottcher@fws.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Williamson, Jeremiah I <jeremiah.williamson@sol.doi.gov>; Holm, Leanne V (USACE) <leanne.v.holm2@usace.army.mil>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Eitel, Michael R (USDOJ) <michael.eitel@usdoj.gov>; Clark, Michael L <michael_l_clark@fws.gov>; ritchie.graves <ritchie.graves@noaa.gov>; Romney Philpott <Romney.Philpott@usdoj.gov>; ryan.couch <ryan.couch@noaa.gov>; Hoefer, Scott E <SHoefer@usbr.gov>; Dykstra, Timothy A (USACE) <timothy.a.dykstra@usace.army.mil>
Subject: Re: [EXTERNAL] Ops - homework assignment

As mentioned in our call, please include me on the email with your additions to the ops tracking spreadsheet. I'll be collating the input.

Thanks,
Roland

Roland Springer
Deputy Regional Director
Interior Region 9: Columbia-Pacific Northwest
Bureau of Reclamation
rspringer@usbr.gov
208-378-5006 (office), (b)(6) (cell)

From: Mirick, Patrick P <patrick.mirick@pnnl.gov>
Sent: Tuesday, September 12, 2023 3:53 PM
To: Sullivan,Leah S (BPA) - PGB-5 <lssullivan@bpa.gov>; Barrow, Brandon E <bbarrow@usbr.gov>; Bloomer, Laura A <laura.bloomer@sol.doi.gov>; Cordan, R. Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; D'Ambrosio, Jocelyn M (NOC) ; frances.e.coffey@usace.army.mil <frances.e.coffey@usace.army.mil>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Gold, Gary M <gary_gold@ios.doi.gov>; Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Jackson, Danna R <danna_jackson@ios.doi.gov>; James Ralph (james.ralph@hq.doe.gov) <james.ralph@hq.doe.gov>; janet.coit@noaa.gov <janet.coit@noaa.gov>; jay.govindan@usdoj.gov <jay.govindan@usdoj.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Baumann, Jeremiah (DOE HQ) <jeremiah.baumann@hq.doe.gov>; jlhairston@bpa.gov <jlhairston@bpa.gov>; Gordon, Judith <judith_gordon@fws.gov>; Justin.R.Pidot@ceq.eop.gov <Justin.R.Pidot@ceq.eop.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; Kautzky, Kevin J <Kevin.Kautzky@pnnl.gov>; Lorri.J.Gray@usace.army.mil <Lorri.J.Gray@usace.army.mil>; Ardis, Melissa <melissa.ardis@hq.doe.gov>; michael.l.connor10.civ@army.mil <michael.l.connor10.civ@army.mil>; Tehan, Michael (NOAA) <michael.tehan@noaa.gov>; Mirick, Patrick P <patrick.mirick@pnnl.gov>; Elizabeth E. Molle-Carr <Elizabeth.E.Molle-Carr@omb.eop.gov>; Pfaeffle, Frederick <frederick.pfaeffle@hq.doe.gov>; Anderson, Robert T <Robert.Anderson@sol.doi.gov>; robyn.s.colosimo.civ@army.mil <robyn.s.colosimo.civ@army.mil>; Sara.R.Gonzalez-Rothi@ceq.eop.gov <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Seth.Barsky@usdoj.gov <Seth.Barsky@usdoj.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Smail, Jill R <smailjr@state.gov>; Trujillo, Tanya M <tanya_trujillo@ios.doi.gov>; walker.smith@noaa.gov <walker.smith@noaa.gov>; zachary.penney@noaa.gov <zachary.penney@noaa.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; bradley.e.thompson@usace.army.mil <bradley.e.thompson@usace.army.mil>; Chris McNulty <chris.mcnulty@noaa.gov>; McGrath, Claire C <cmcgrath@usbr.gov>; dan.h.feil@usace.army.mil <dan.h.feil@usace.army.mil>; Frankel, David S (USDOJ) <david.frankel@usdoj.gov>; BrittonKuttel, Erin <erin_brittonkuttel@fws.gov>; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) <Timothy.M.Fleeger@usace.army.mil>; Wilson, Frank S <Frank.Wilson@sol.doi.gov>; Turner, Frederick H (USDOJ) <frederick.turner@usdoj.gov>; Bottcher, Jared L <jared_bottcher@fws.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Williamson, Jeremiah I <jeremiah.williamson@sol.doi.gov>; Holm, Leanne V (USACE) <leanne.v.holm2@usace.army.mil>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Eitel, Michael R (USDOJ) <michael.eitel@usdoj.gov>; Clark, Michael L <michael_l_clark@fws.gov>; ritchie.graves <ritchie.graves@noaa.gov>; Romney Philpott <Romney.Philpott@usdoj.gov>; Springer, Roland K <rspringer@usbr.gov>; ryan.couch <ryan.couch@noaa.gov>; Hoefer, Scott E <SHoefer@usbr.gov>; Dykstra, Timothy A (USACE) <timothy.a.dykstra@usace.army.mil>
Subject: [EXTERNAL] Ops - homework assignment

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Next Steps on "CBRI Ops Spreadsheet" and Day 2 of Clearing of Air:

1. USG will populate the CBRI spreadsheet (line-by-line) – Patrick resend it
   - Do you best with what you already did (e.g., integrated ops excel)
     - Noting that many of USG analyses are for grouped ops (e.g., Spring Spill) and are not itemized like 7S want their responses
   - Fill out these columns only:
     - Biological: fish concerns + benefits
     - Safety
     - Reliability
     - Financial
     - Do not add columns – stick "other concerns" into the above columns as
     - Do not populate other columns
   - Be concise – hitting your key points with minimal words and speak to them in-person
   - How does the USG stay aligned about having consistent input in spreadsheet?
     - Write out your concerns/benefits in text – but be concise (speak to it more)
     - "X" = USG has fairly large concerns ;
     - "IMPLEMENTABLE" = might be possible
     - Color coding is fine if you want (G; Y; R)
     - Don't use agency codes…not like "our power concern is this – BPA"
     - Write out your big-picture impacts + constraints

2. Send Patrick + Brandon your agency edits to CBRI spreasheet by 8 Pacific | 11 EST tonight
   - He will collate them and send to the USG
   - Need to confirm that we're ready to share --- having this in writing so fast is a big decision

3. Patrick will send the "joint USG spreadsheet response to PT" before midnight tonight

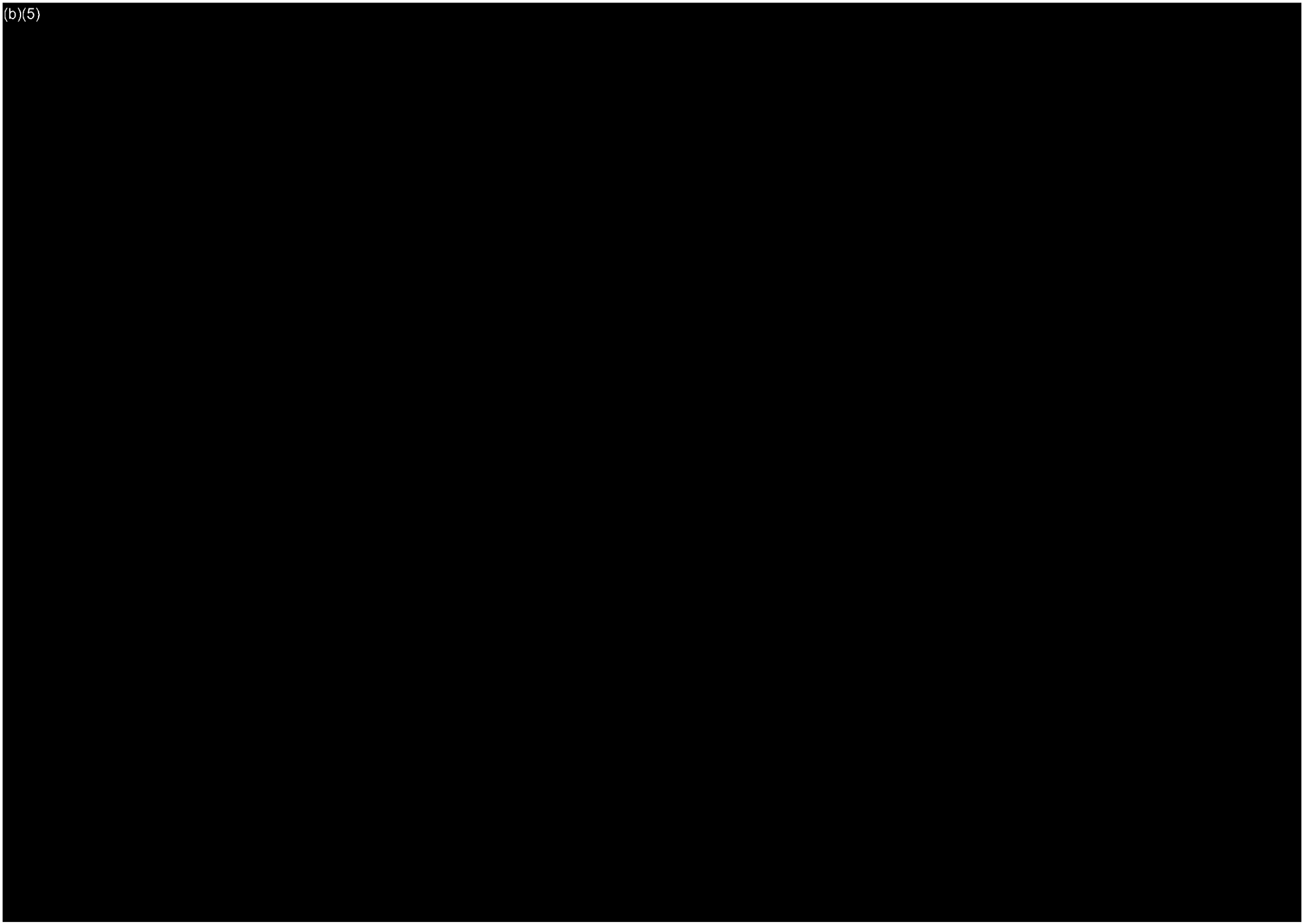
(4) Sara will ping each agency to make sure they are ok releasing the "joint USG response" before 9 AM pacific – and prior to the 10 AM Day 2 start

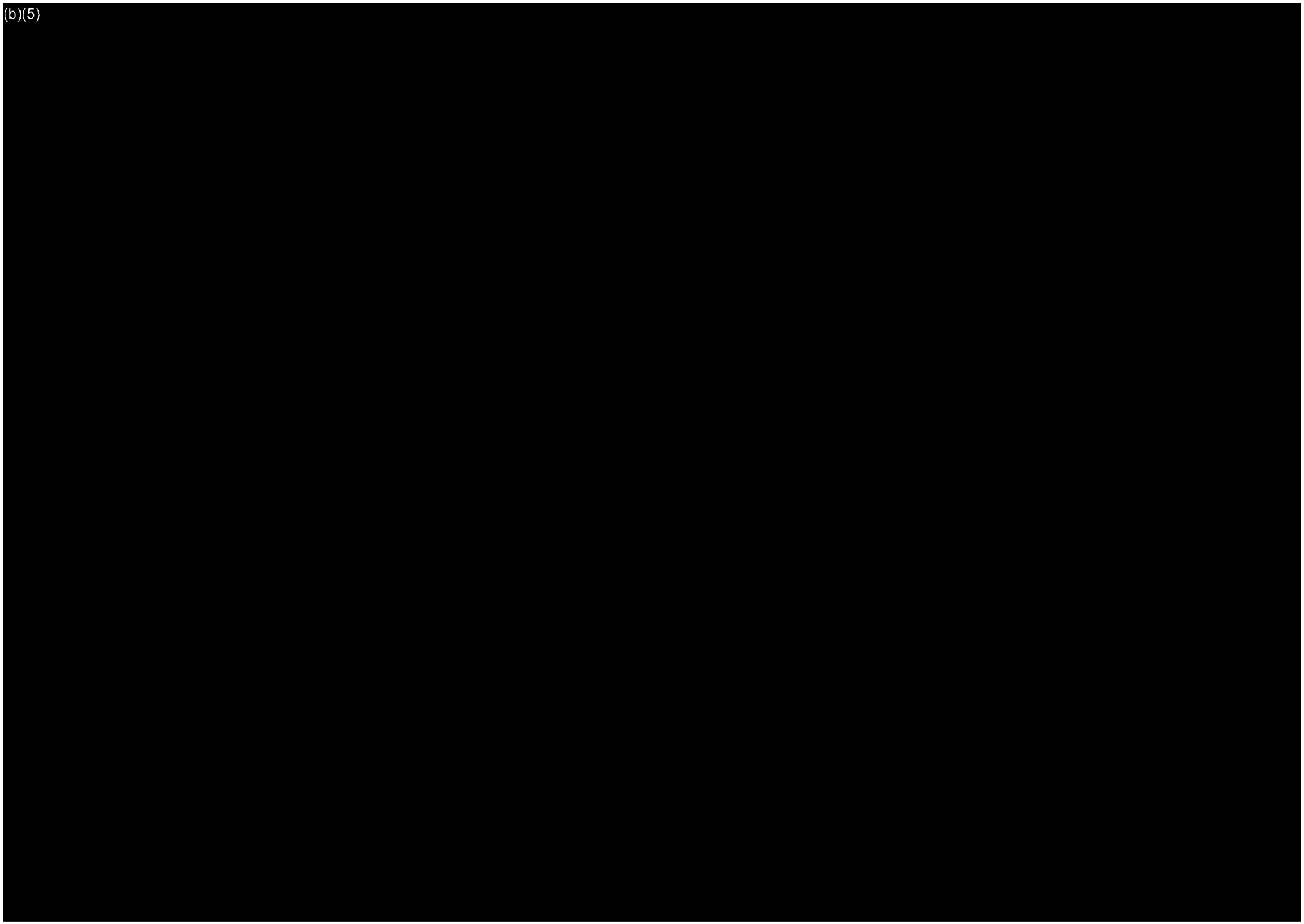
4. The 7S will also populate the spreadsheet (fish benefits)
   - Jay will outline biological constraints & benefits by 9 AM tomorrow
   - It will probably be at a high level (e.g., faster travel times, lesser powerhouse hits)

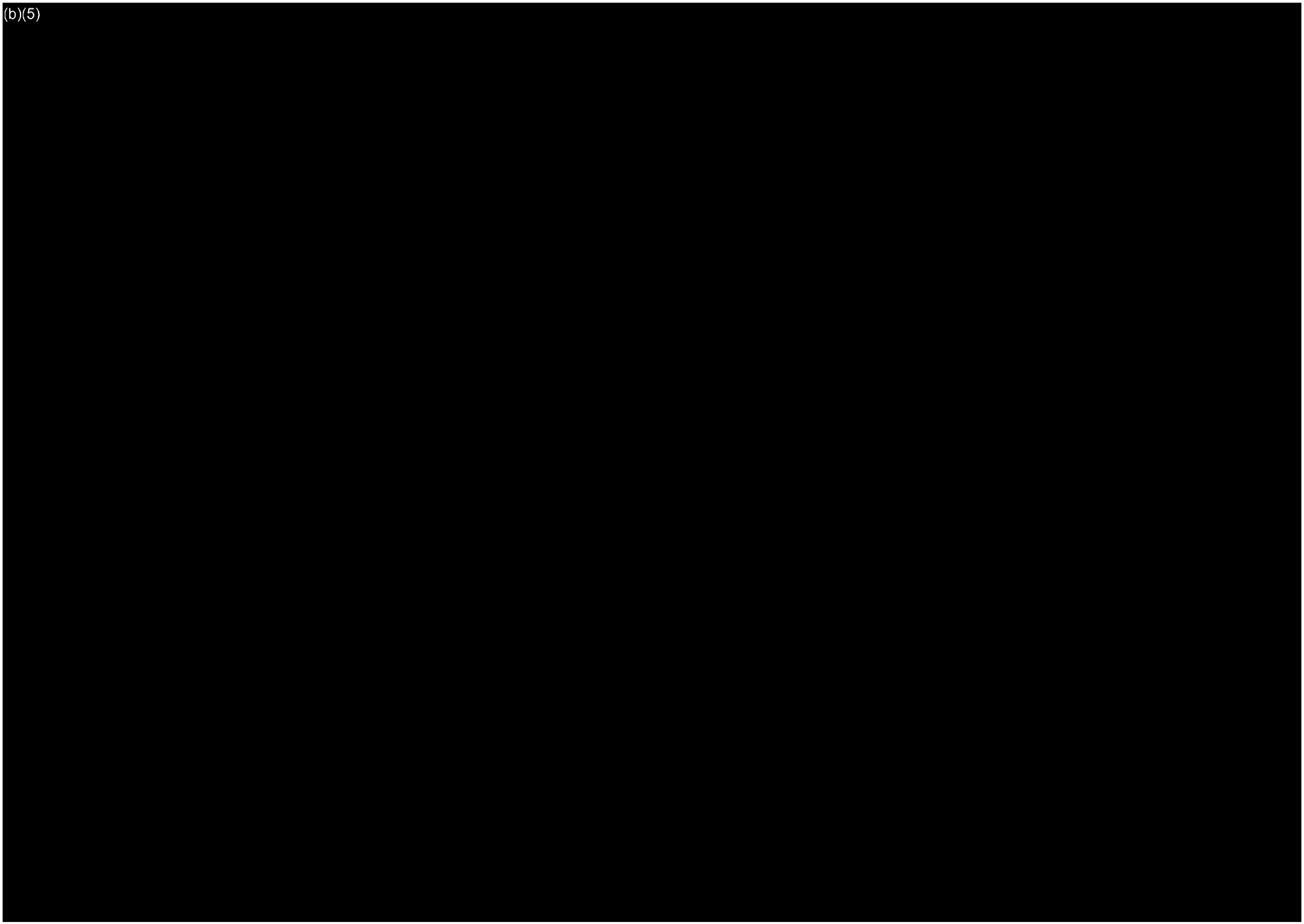
(b)(5) [redacted]

6. We will spend the majority of Day 2 tomorrow discussing the excel

SGR confirm the above gameplan with Matt…which includes plans for 7S to populate the spreadsheet and collate w/ USG edits


(b)(5)


(b)(5)


(b)(5)


(b)(5)

From: Leary,Jill C (BPA) - LN-7
Sent: Wednesday, September 13, 2023 4:55 PM
To: Philibeck Matt
Cc: Zelinsky,Benjamin D (BPA) - E-4; Sullivan,Leah S (BPA) - PGB-5; Sullivan,Leah S (BPA) - PGB-5; Dan Feil (US ACE)
Subject: FW: Question/Clarification for NPT via FMCS process RE: CBRI and LGS spring spill operations

Hi Matt,

(b)(5) [redacted]

We appreciate your coordination, and let us know if you have any questions, thanks.

Jill

From: Sullivan,Leah S (BPA) - PGB-5
Sent: Wednesday, September 13, 2023 4:15 PM
To: Zelinsky,Benjamin D (BPA) - E-4 ; Leary,Jill C (BPA) - LN-7
Cc: Dan Feil (US ACE) ; Holm, Leanne V CIV USARMY CENWD (USA)
Subject: Question/Clarification for NPT via FMCS process RE: CBRI and LGS spring spill operations

(b)(5) [redacted]

Leah

Leah Sullivan
Supervisory Program Analyst
Fish Operations Policy & Planning (PGB)

BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-5208 | E lssullivan@bpa.gov

From: Philibeck Matt <mphilibeck@fmcs.gov>
Sent: Wednesday, September 27, 2023 9:20 AM
To: Miller Rozmyn; Pryor Brenda
Cc: Philibeck Matt
Subject: [EXTERNAL] Presidential Memorandum and Fact Sheet

Importance: High

To All FMCS Process Parties –

Please see below the Fact Sheet and Presidential Memorandum signed by President Joe Biden today. The embargo on the information below is now lifted, but please continue to preserve the confidentiality of the broader mediation in the FMCS Process.
– Thank you.

Matt Philibeck
Commissioner
Serving the State of New Mexico
Federal Mediation and Conciliation Service (FMCS)
(505) 252-5204
mphilibeck@fmcs.gov

From: White House Press Office info@mail.whitehouse.gov
Sent: Wednesday, September 27, 2023 12:01 PM
To: Harding, Stephenne S. EOP/CEQ Stephenne.S.Harding@ceq.eop.gov
Subject: Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

FOR IMMEDIATE RELEASE

September 27, 2023

FACT SHEET:
President Biden Takes Action to Restore Healthy and Abundant Wild Salmon and Steelhead in the Columbia River Basin

Presidential Memorandum follows a historic agreement signed last week with Tribal Nations to reintroduce salmon into blocked areas in the Upper Basin

Today, President Biden signed a Presidential Memorandum to prioritize the restoration of healthy and abundant wild salmon, steelhead, and other native fish populations to the Columbia River Basin. The Presidential

32880029 BPA-2025-03770-F 0116

Memorandum is part of the Biden-Harris Administration's unprecedented commitment to honor the United States' obligations to Tribal Nations and protect and restore America's natural wonders for future generations, while also recognizing the important co-benefits that the Columbia River provides to communities and businesses throughout the region.

The Columbia River and its tributaries, wetlands, and estuaries are the lifeblood of the Pacific Northwest. The river ecosystem has supported ways of life, cultural and spiritual practices, commerce, and economic growth for generations and continues to provide our nation with abundant water, power, recreation, agriculture, transportation, and opportunity. Wild salmon, steelhead, and other native fish populations in the Columbia River Basin are essential to the culture, economy, religion, and way of life of Tribal Nations and Indigenous peoples. Actions since 1855, including the Federal Government's construction and operation of dams, private dam building, population growth, and overfishing, have changed the ecosystem and severely depleted wild fish populations in the region, substantially harming the Tribes' ability to exercise their rights reserved under treaty to hunt and fish in all usual and accustomed places. Since the dams were constructed, 13 fish species have been listed as threatened or endangered.

Today, President Biden is directing all relevant Federal agencies to utilize existing authorities and available resources – and assess what additional authorities and resources may be needed – to restore these wild fish populations and help ensure that the United States upholds its treaty and trust responsibilities to the Tribes. The President is also directing the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget to explore opportunities and mechanisms to develop a partnership with Tribal Nations and States in the Columbia River Basin to ensure that Federal, Tribal, and State entities work together to achieve this goal.

The Biden-Harris Administration is committed to honoring and respecting Tribal sovereignty, protecting Tribal homelands, and incorporating Indigenous Knowledge and robust Tribal consultation into planning and decision-making. The Presidential Memorandum announced today supports Tribally led conservation efforts and helps address injustices of the past, including the decline or elimination of these fish from Tribal lands. It establishes that it is the policy of this Administration to work with the Congress and with Tribal Nations, States, local governments, and stakeholders to pursue effective, creative, and durable solutions to restore wild fish populations while delivering affordable and reliable clean energy, supporting the local agriculture economy, and meeting the many resilience needs of the region.

The Presidential Memorandum builds on the Biden-Harris Administration's commitment to identify a strong and lasting path forward to restore healthy and abundant wild salmon and other native fish to the Columbia River Basin, President Biden's call to action earlier this year, and a historic agreement announced last week to support Tribally led efforts to restore salmon in blocked habitats in the Upper Basin. The agreement with the Coeur d'Alene Tribe, Confederated Tribes of the Colville Reservation, and Spokane Tribe of Indians will provide over $200 million over 20 years from the Bonneville Power Administration, a federal power marketing administration under the

Department of Energy, to help reintroduce salmon into blocked habitats in the Upper Columbia River Basin. In addition, last week the Department of the Interior (DOI) announced $8 million over two years through the Bureau of Reclamation to support these efforts.

President Biden's Investing in America agenda has provided historic resources to support locally led conservation efforts, including in the Pacific Northwest. The Bipartisan Infrastructure Law and Inflation Reduction Act together include record resources for fish passage and ecosystem restoration. Today, DOI is also announcing $3.6 million to support the construction and expansion of Tribally led fish hatcheries in the Columbia River Basin, part of a $10 million investment through the Bureau of Indian Affairs' Inflation Reduction Act Fish Hatchery Program.

Additional Biden-Harris Administration efforts to target resources to support President Biden's goal of restoring wild salmon, steelhead, and other native fish populations to healthy and abundant levels in the Columbia River Basin include:

- The National Oceanic and Atmospheric Administration (NOAA) allocated $60 million in funding from the Inflation Reduction Act to support high-priority deferred maintenance projects for Mitchell Act Hatcheries in the Columbia River Basin. NOAA also allocated nearly $4.5 million in 2022 funding for two Tribal priority fish passage projects in the Basin through the Restoring Tribal Priority Fish Passage through Barrier Removal program.

- EPA's Columbia River Basin Program received $79 million in the Bipartisan Infrastructure Law for 2021-2026. This funding provides EPA the ability to expand the Columbia River Basin Restoration Program and significantly increase competitive grants throughout the Basin to reduce toxics. In 2022, EPA awarded approximately $6.9 million across 25 projects to reduce toxics in fish and water throughout the Basin. EPA has also committed more than $33 million in the Basin in fiscal year 2023 to address toxics and cold water refugia.

- NOAA Fisheries announced $95 million for 2022 and $106 million for 2023 Pacific Coastal Salmon Recovery Fund awards, through annual appropriations and President Biden's Bipartisan Infrastructure Law. Over $12 million of this was directed to the Columbia River Basin in 2022 and over $16 million in 2023.

- NOAA has committed over $2.4 million to the removal of the Enloe Dam in Washington. The removal of Enloe Dam is led by the Confederated Tribes of the Colville Reservation and will provide access to 1,520 miles of potential spawning and rearing habitat for endangered salmon and steelhead.

- The Department of Transportation awarded over $18 million for culvert removals in the Columbia River Basin to help salmon migrate more freely through tributaries to their natal spawning grounds.

- The U.S. Fish and Wildlife Service has awarded over $7 million in 2023 for projects to conserve and restore

native fish and their habitats throughout the Columbia River Basin.

- Grants through the America the Beautiful Challenge include funding for priority Tribal projects related to salmon. For 2022, grants and matching funds included over $6 million for the Confederated Tribes and Bands of the Yakama Nation for habitat restoration projects; nearly $20 million to the Nez Perce Tribe for restoring sockeye salmon habitat connectivity at the Wallowa Dam; and $621,000 to the North Fork John Day Watershed Council for habitat benefiting at-risk Middle Columbia River steelhead, bull trout, and spring run chinook salmon.

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- President Biden's fiscal year 2024 budget request includes $93 million for salmon recovery efforts through the U.S. Army Corps of Engineers, including $66.67 million specific to Columbia River Fish Mitigation.

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FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

The Columbia River and its tributaries, wetlands, and estuaries are the lifeblood of the Pacific Northwest, providing abundant water, power, recreation, agriculture, transportation, and natural resources that have supported livelihoods, cultural and spiritual practices, commerce, and economic growth. The salmon, steelhead, and other native fish populations in the Columbia River Basin (Basin) are essential to the culture, economy, and way of life of Tribal Nations in the region and Indigenous peoples in Canada, and also provide an important food source for endangered orca, which are sacred to many Tribal Nations in the region. In 1855, the United States and four of the Tribal Nations of the Basin entered into treaties specifying that these Tribal Nations reserved the right to harvest fish on their reservations and at all usual and accustomed places. At that time, an estimated 7.5 to 16 million adult salmon and steelhead returned to the Basin each year.

Actions since 1855, including the Federal Government's construction and operation of dams in the Basin, have severely depleted fish populations. Thirteen salmon and steelhead populations are listed as threatened or endangered, other populations of those fish have been extirpated, and other native fish populations have also declined, causing substantial harm to Tribal Nations and other communities reliant on salmon and steelhead. Despite decades of hard work, ingenuity, expense, and commitment across Federal, Tribal, State, and local governments and a wide range of stakeholders, the populations of salmon, steelhead, and other native fish populations in the Basin continue to decline or have not recovered to the level that would warrant removing any population from the list of threatened and endangered species.

It is time for a sustained national effort to restore healthy and abundant native fish populations in the Basin. For these reasons, and by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It is a priority of my Administration to honor Federal trust and treaty responsibilities to Tribal Nations -- including to those Tribal Nations harmed by the construction and operation of Federal dams that are part of the Columbia River System (CRS) -- and to carry out the requirement of the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501) to operate, manage, and regulate the CRS to adequately protect, mitigate, and enhance fish and wildlife affected by the Federal dams in the Basin in a manner that provides equitable treatment for fish and wildlife with the other purposes for which the Federal dams are managed and operated.

In recognition of these priorities, it is the policy of my Administration to work with the Congress and with Tribal Nations, States, local governments, and stakeholders 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 operation of the CRS, including those necessary to address changing hydrological conditions due to climate change.

Sec. 2. Federal Implementation. (a) All executive departments and agencies (agencies) with applicable authorities and responsibilities, including the Department of the Interior, including the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the United States Fish and Wildlife Service, and the United States Geological Survey; the Department of Agriculture, including the United States Forest Service and the Natural Resources Conservation Service; the Department of Commerce, including the National Oceanic and Atmospheric Administration; the Department of Energy, including the Bonneville Power Administration; the Department of the Army, including the United States Army Corps of Engineers; and the Environmental Protection Agency, are directed to utilize their authorities and available resources to advance the policy established in section 1 of this memorandum.

(b) Within 120 days of the date of this memorandum, all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the CRS, for consistency with the policy established in section 1 of this memorandum. As soon as practicable following such review, agencies shall, consistent with applicable law, identify and initiate any steps necessary to advance that policy.

(c) Within 220 days of the date of this memorandum, all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall provide the Director of the Office of Management and Budget (Director) an assessment of the agency's programs that can advance the policy established in section 1 of this memorandum and the resources such programs need for this purpose. Based on the assessment, each agency shall prioritize these activities to the extent feasible in their program and budget planning.

Sec. 3. Intergovernmental Partnership. The Chair of the Council on Environmental Quality (Chair) and the Director shall explore opportunities and mechanisms to develop an intergovernmental partnership, including through a memorandum of understanding, to advance the policy established in section 1 of this memorandum within the United States; the States of Oregon, Washington, Montana, and Idaho; the Tribal Nations of the Basin, including the Columbia Basin Treaty Tribes (the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation); the Upper Columbia United Tribes (the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe of Indians, the Spokane Tribe of Indians, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho); the Upper Snake River Tribes (the Burns Paiute Tribe, the Fort McDermitt Paiute Shoshone Tribe, the Shoshone-Bannock Tribes of the Fort Hall Reservation, and the Shoshone-Paiute Tribes of the Duck Valley Reservation); and other Tribal Nations, as appropriate. Within 120 days of the date of this memorandum, the Chair and the Director shall submit a report to the President with an update on progress in developing this intergovernmental partnership.

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect the ability of heads of agencies to meet the requirements of sections 2 and 3 of this memorandum before the deadlines in those sections or to produce additional materials not specifically requested in this memorandum.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) Independent agencies are strongly encouraged to comply with the provisions of this memorandum.

Sec. 5. Publication. The Chair is hereby authorized and directed to publish this memorandum in the Federal Register.

JOSEPH R. BIDEN JR.

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From: Leary,Jill C (BPA) - LN-7
Sent: Wednesday, September 27, 2023 9:47 AM
To: Ardis, Melissa; Armentrout,Scott G (BPA) - E-4; Baskerville,Sonya L (BPA) - AI-WASH; Daly, Gabriel; Zelinsky,Benjamin D (BPA) - E-4; Godwin,Mary E (BPA) - LN-7
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Attachments: [EXTERNAL] Presidential Memorandum and Fact Sheet

Here is the information from FMCS on the PM.

From: Ardis, Melissa
Sent: Wednesday, September 27, 2023 9:16 AM
To: Leary,Jill C (BPA) - LN-7 ; Armentrout,Scott G (BPA) - E-4 ; Baskerville,Sonya L (BPA) - AI-WASH ; Daly, Gabriel ; Zelinsky,Benjamin D (BPA) - E-4 ; Godwin,Mary E (BPA) - LN-7
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Great- thank you.
Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6)
www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>
Sent: Wednesday, September 27, 2023 9:58 AM
To: Armentrout, Scott G <sgarmentrout@bpa.gov>; Baskerville, Sonya <slbaskerville@bpa.gov>; Ardis, Melissa <melissa.ardis@hq.doe.gov>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Godwin, Mary E <megodwin@bpa.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
We are supposed to receive a note from FMCS once the PM is released, so can share with this group once I hear from them.

From: Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>
Sent: Wednesday, September 27, 2023 6:43 AM
To: Baskerville,Sonya L (BPA) - AI-WASH <slbaskerville@bpa.gov>; Ardis, Melissa <melissa.ardis@hq.doe.gov>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Elise said by 12 EDT today it would be released. I think I heard her say it was not signed as of last night. Scott
SCOTT G ARMENTROUT
Executive Vice President, Environment, Fish & Wildlife, SES | E-4
BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-3076 | C (b)(6)

From: Baskerville,Sonya L (BPA) - AI-WASH <slbaskerville@bpa.gov>
Sent: Wednesday, September 27, 2023 6:42 AM

To: Ardis, Melissa <melissa.ardis@hq.doe.gov>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>
Subject: Re: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)

Hey, all. There is confusion on the Hill on when the presidential memo is supposed to be released. Some heard today at noon from Podesta and others heard Thursday. So I guess that means it wasn't released last night? If anyone has the right timing, let me know.

Thanks!

Sonya Baskerville

BPA Intergovernmental Affairs and National Relations

(b)(6) m

On Sep 26, 2023 5:10 PM, "Ardis, Melissa" <melissa.ardis@hq.doe.gov> wrote:

+ Sonya - does this work for BPA folks?

Melissa Ardis

Senior Advisor, Power Marketing Administrations

Office of the Under Secretary for Infrastructure

(b)(6)

From: Daly, Gabriel <gabriel.daly@hq.doe.gov>
Sent: Tuesday, September 26, 2023 2:23 PM
To: Ardis, Melissa <melissa.ardis@hq.doe.gov>; Godwin, Mary E <megodwin@bpa.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)

I could do 1:30 Mountain Time/330 ET/12:30 PT. Will that work for BPA?

Gabe

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Tuesday, September 26, 2023 1:40 PM
To: Godwin, Mary E <megodwin@bpa.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)

I am available from 8:30 – 10 Denver time and then after 1:30 my time (with a hold from 2:30 – 3:00 that I don't want to schedule over).

Melissa Ardis (she/her)

Senior Advisor, Power Marketing Administrations

Office of the Under Secretary for Infrastructure

(b)(6)

www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>
Sent: Tuesday, September 26, 2023 11:35 AM
To: Ardis, Melissa <melissa.ardis@hq.doe.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)

Privileged and Confidential; FOIA Exempt; Do Not Distribute

Hi Melissa and Gabe,

(b)(5)

Thanks,
Mary
Mary E. Godwin
Attorney-Adviser
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
(503) 230-4750
NOTICE: This electronic message contains personal and confidential information for the intended recipients and may contain pre-decisional advice, attorney work product or attorney/client privileged material, which is protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Do not forward, copy or release without prior authorization from the sender. Any review or distribution by others is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and delete this message.

From: Godwin,Mary E (BPA) - LN-7
Sent: Tuesday, September 26, 2023 10:17 AM
To: Ardis, Melissa <melissa.ardis@hq.doe.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>; Morales, Aaron <aaron.morales@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)

(b)(5)

Thanks,
Mary
Mary E. Godwin
Attorney-Adviser
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
(503) 230-4750
NOTICE: This electronic message contains personal and confidential information for the intended recipients and may contain pre-decisional advice, attorney work product or attorney/client privileged material, which is protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Do not forward, copy or release without prior authorization from the sender. Any review or distribution by others is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and delete this message.

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Tuesday, September 26, 2023 10:12 AM
To: Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>; Morales, Aaron <aaron.morales@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Please ignore this email – I am in reviewing fact sheet mode. Aaron – disregard.
Mary for this document – if you can get us comments tomorrow that would be great.
Good grief – sorry for the confusion.
Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure

(b)(6)
www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Ardis, Melissa
Sent: Tuesday, September 26, 2023 11:11 AM
To: Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>; Morales, Aaron <aaron.morales@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Oh never mind you are on there – do you have any other edits we can get over? Adding Aaron (b)(5)

Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6)
www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>
Sent: Tuesday, September 26, 2023 10:35 AM
To: Ardis, Melissa <melissa.ardis@hq.doe.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>
Cc: Daly, Gabriel <gabriel.daly@hq.doe.gov>
Subject: RE: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
Hi Melissa – do you have a sense of when comments are due on this? Has DOE reviewed this version yet?
Thanks,
Mary
Mary E. Godwin
Attorney-Adviser
Office of General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
(503) 230-4750
NOTICE: This electronic message contains personal and confidential information for the intended recipients and may contain pre-decisional advice, attorney work product or attorney/client privileged material, which is protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Do not forward, copy or release without prior authorization from the sender. Any review or distribution by others is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and delete this message.

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Monday, September 25, 2023 12:34 PM
To: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>
Subject: [EXTERNAL] USG Commitments in Response to CBRI_6S+NWF Combined Edits_20230919 (003)
I am attaching the redlined document.

From: Philibeck Matt

Sent: Wed Sep 27 09:19:34 2023

To: Miller Rozmyn; Pryor Brenda

Cc: Philibeck Matt

Subject: [EXTERNAL] Presidential Memorandum and Fact Sheet

Importance: High

To All FMCS Process Parties –

Please see below the Fact Sheet and Presidential Memorandum signed by President Joe Biden today. The embargo on the information below is now lifted, but please continue to preserve the confidentiality of the broader mediation in the FMCS Process.

– Thank you.

Matt Philibeck

Commissioner

Serving the State of New Mexico

Federal Mediation and Conciliation Service (FMCS)

(505) 252-5204

mphilibeck@fmcs.gov

From: White House Press Office info@mail.whitehouse.gov

Sent: Wednesday, September 27, 2023 12:01 PM

To: Harding, Stephenne S. EOP/CEQ Stephenne.S.Harding@ceq.eop.gov

Subject: Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

FOR IMMEDIATE RELEASE
September 27, 2023

FACT SHEET:
President Biden Takes Action to Restore Healthy and Abundant Wild Salmon and Steelhead in the Columbia River Basin

Presidential Memorandum follows a historic agreement signed last week with Tribal Nations to reintroduce salmon into blocked areas in the Upper Basin

Today, President Biden signed a Presidential Memorandum to prioritize the restoration of healthy and abundant wild salmon, steelhead, and other native fish populations to the Columbia River Basin. The Presidential Memorandum is part of the Biden-Harris Administration's unprecedented commitment to honor the United States' obligations to Tribal Nations and protect and restore America's natural wonders for future generations, while also recognizing the important co-benefits that the Columbia River provides to communities and businesses throughout the region.

The Columbia River and its tributaries, wetlands, and estuaries are the lifeblood of the Pacific Northwest. The river ecosystem has supported ways of life, cultural and spiritual practices, commerce, and economic growth for generations and continues to provide our nation with abundant water, power, recreation, agriculture, transportation, and opportunity. Wild salmon, steelhead, and other native fish populations in the Columbia River Basin are essential to the culture, economy, religion, and way of life of Tribal Nations and Indigenous peoples. Actions since 1855, including the Federal Government's construction and operation of dams, private dam building, population growth, and overfishing, have changed the ecosystem and severely depleted wild fish populations in the region, substantially harming the Tribes' ability to exercise their rights reserved under treaty to hunt and fish in all usual and accustomed places. Since the dams were constructed, 13 fish species have been listed as threatened or endangered.

Today, President Biden is directing all relevant Federal agencies to utilize existing authorities and available resources – and assess what additional authorities and resources may be needed – to restore these wild fish populations and help ensure that the United States upholds its treaty and trust responsibilities to the Tribes. The President is also directing the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget to explore opportunities and mechanisms to develop a partnership with Tribal Nations and States in the Columbia River Basin to ensure that Federal, Tribal, and State entities work together to achieve this goal.

The Biden-Harris Administration is committed to honoring and respecting Tribal sovereignty, protecting Tribal homelands, and incorporating Indigenous Knowledge and robust Tribal consultation into planning and decision-making. The Presidential Memorandum announced today supports Tribally led conservation efforts and helps address injustices of the past, including the decline or elimination of these fish from Tribal lands. It establishes that it is the policy of this Administration to work with the Congress and with Tribal Nations, States, local governments, and stakeholders to pursue effective, creative, and durable solutions to restore wild fish populations while

delivering affordable and reliable clean energy, supporting the local agriculture economy, and meeting the many resilience needs of the region.

The Presidential Memorandum builds on the Biden-Harris Administration's commitment to identify a strong and lasting path forward to restore healthy and abundant wild salmon and other native fish to the Columbia River Basin, President Biden's call to action earlier this year, and a historic agreement announced last week to support Tribally led efforts to restore salmon in blocked habitats in the Upper Basin. The agreement with the Coeur d'Alene Tribe, Confederated Tribes of the Colville Reservation, and Spokane Tribe of Indians will provide over $200 million over 20 years from the Bonneville Power Administration, a federal power marketing administration under the Department of Energy, to help reintroduce salmon into blocked habitats in the Upper Columbia River Basin. In addition, last week the Department of the Interior (DOI) announced $8 million over two years through the Bureau of Reclamation to support these efforts.

President Biden's Investing in America agenda has provided historic resources to support locally led conservation efforts, including in the Pacific Northwest. The Bipartisan Infrastructure Law and Inflation Reduction Act together include record resources for fish passage and ecosystem restoration. Today, DOI is also announcing $3.6 million to support the construction and expansion of Tribally led fish hatcheries in the Columbia River Basin, part of a $10 million investment through the Bureau of Indian Affairs' Inflation Reduction Act Fish Hatchery Program.

Additional Biden-Harris Administration efforts to target resources to support President Biden's goal of restoring wild salmon, steelhead, and other native fish populations to healthy and abundant levels in the Columbia River Basin include:

- The National Oceanic and Atmospheric Administration (NOAA) allocated $60 million in funding from the Inflation Reduction Act to support high-priority deferred maintenance projects for Mitchell Act Hatcheries in the Columbia River Basin. NOAA also allocated nearly $4.5 million in 2022 funding for two Tribal priority fish passage projects in the Basin through the Restoring Tribal Priority Fish Passage through Barrier Removal program.

- EPA's Columbia River Basin Program received $79 million in the Bipartisan Infrastructure Law for 2021-2026. This funding provides EPA the ability to expand the Columbia River Basin Restoration Program and significantly increase competitive grants throughout the Basin to reduce toxics. In 2022, EPA awarded approximately $6.9 million across 25 projects to reduce toxics in fish and water throughout the Basin. EPA has

also committed more than $33 million in the Basin in fiscal year 2023 to address toxics and cold water refugia.

- NOAA Fisheries announced $95 million for 2022 and $106 million for 2023 Pacific Coastal Salmon Recovery Fund awards, through annual appropriations and President Biden's Bipartisan Infrastructure Law. Over $12 million of this was directed to the Columbia River Basin in 2022 and over $16 million in 2023.

- NOAA has committed over $2.4 million to the removal of the Enloe Dam in Washington. The removal of Enloe Dam is led by the Confederated Tribes of the Colville Reservation and will provide access to 1,520 miles of potential spawning and rearing habitat for endangered salmon and steelhead.

- The Department of Transportation awarded over $18 million for culvert removals in the Columbia River Basin to help salmon migrate more freely through tributaries to their natal spawning grounds.

- The U.S. Fish and Wildlife Service has awarded over $7 million in 2023 for projects to conserve and restore native fish and their habitats throughout the Columbia River Basin.

- Grants through the America the Beautiful Challenge include funding for priority Tribal projects related to salmon. For 2022, grants and matching funds included over $6 million for the Confederated Tribes and Bands of the Yakama Nation for habitat restoration projects; nearly $20 million to the Nez Perce Tribe for restoring sockeye salmon habitat connectivity at the Wallowa Dam; and $621,000 to the North Fork John Day Watershed Council for habitat benefiting at-risk Middle Columbia River steelhead, bull trout, and spring run chinook salmon.

- President Biden's fiscal year 2024 budget request includes $93 million for salmon recovery efforts through the U.S. Army Corps of Engineers, including $66.67 million specific to Columbia River Fish Mitigation.

###

September 27, 2023

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

The Columbia River and its tributaries, wetlands, and estuaries are the lifeblood of the Pacific Northwest, providing abundant water, power, recreation, agriculture, transportation, and natural resources that have supported livelihoods, cultural and spiritual practices, commerce, and economic growth. The salmon, steelhead, and other native fish populations in the Columbia River Basin (Basin) are essential to the culture, economy, and way of life of Tribal Nations in the region and Indigenous peoples in Canada, and also provide an important food source for endangered orca, which are sacred to many Tribal Nations in the region. In 1855, the United States and four of the Tribal Nations of the Basin entered into treaties specifying that these Tribal Nations reserved the right to harvest fish on their reservations and at all usual and accustomed places. At that time, an estimated 7.5 to 16 million adult salmon and steelhead returned to the Basin each year.

Actions since 1855, including the Federal Government's construction and operation of dams in the Basin, have severely depleted fish populations. Thirteen salmon and steelhead populations are listed as threatened or endangered, other populations of those fish have been extirpated, and other native fish populations have also declined, causing substantial harm to Tribal Nations and other communities reliant on salmon and steelhead. Despite decades of hard work, ingenuity, expense, and commitment across Federal, Tribal, State, and local governments and a wide range of stakeholders, the populations of salmon, steelhead, and other native fish

populations in the Basin continue to decline or have not recovered to the level that would warrant removing any population from the list of threatened and endangered species.

It is time for a sustained national effort to restore healthy and abundant native fish populations in the Basin. For these reasons, and by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It is a priority of my Administration to honor Federal trust and treaty responsibilities to Tribal Nations -- including to those Tribal Nations harmed by the construction and operation of Federal dams that are part of the Columbia River System (CRS) -- and to carry out the requirement of the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501) to operate, manage, and regulate the CRS to adequately protect, mitigate, and enhance fish and wildlife affected by the Federal dams in the Basin in a manner that provides equitable treatment for fish and wildlife with the other purposes for which the Federal dams are managed and operated.

In recognition of these priorities, it is the policy of my Administration to work with the Congress and with Tribal Nations, States, local governments, and stakeholders 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 operation of the CRS, including those necessary to address changing hydrological conditions due to climate change.

Sec. 2. Federal Implementation. (a) All executive departments and agencies (agencies) with applicable authorities and responsibilities, including the Department of the Interior, including the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the United States Fish and Wildlife Service, and the United States Geological Survey; the Department of Agriculture, including the United States Forest Service and the Natural Resources Conservation Service; the Department of Commerce, including the National Oceanic and Atmospheric Administration; the Department of Energy, including the Bonneville Power Administration; the Department of the Army, including the United States Army Corps of Engineers; and the Environmental Protection Agency, are directed to utilize their authorities and available resources to advance the policy established in section

1 of this memorandum.

(b) Within 120 days of the date of this memorandum, all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the CRS, for consistency with the policy established in section 1 of this memorandum. As soon as practicable following such review, agencies shall, consistent with applicable law, identify and initiate any steps necessary to advance that policy.

(c) Within 220 days of the date of this memorandum, all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall provide the Director of the Office of Management and Budget (Director) an assessment of the agency's programs that can advance the policy established in section 1 of this memorandum and the resources such programs need for this purpose. Based on the assessment, each agency shall prioritize these activities to the extent feasible in their program and budget planning.

Sec. 3. Intergovernmental Partnership. The Chair of the Council on Environmental Quality (Chair) and the Director shall explore opportunities and mechanisms to develop an intergovernmental partnership, including through a memorandum of understanding, to advance the policy established in section 1 of this memorandum within the United States; the States of Oregon, Washington, Montana, and Idaho; the Tribal Nations of the Basin, including the Columbia Basin Treaty Tribes (the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation); the Upper Columbia United Tribes (the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe of Indians, the Spokane Tribe of Indians, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho); the Upper Snake River Tribes (the Burns Paiute Tribe, the Fort McDermitt Paiute Shoshone Tribe, the Shoshone-Bannock Tribes of the Fort Hall Reservation, and the Shoshone-Paiute Tribes of the Duck Valley Reservation); and other Tribal Nations, as appropriate. Within 120 days of the date of this memorandum, the Chair and the Director shall submit a report to the President with an update on progress in developing this intergovernmental partnership.

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect the ability of heads of agencies to meet the requirements of sections 2 and 3 of this memorandum before the deadlines in those sections or to produce additional materials not specifically requested in this memorandum.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) Independent agencies are strongly encouraged to comply with the provisions of this memorandum.

Sec. 5. Publication. The Chair is hereby authorized and directed to publish this memorandum in the Federal Register.

JOSEPH R. BIDEN JR.

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Sent: Tuesday, December 19, 2023 7:09 AM
To: Barrow, Brandon E; Robyn Colosimo; Michael Connor; Beth Coffey; Lorri Gray; Hairston,John L (BPA) - A-7; Jeremiah Baumann; Gabe Daly; Melissa Ardis; Armentrout,Scott G (BPA) - E-4; Anderson, Robert T; Carrington, Jennifer J; Morrison, Hugh R; Janet Coit; Walker Smith; Michael Tehan; Seth Barsky; Jay Govindan; Michael (Mike) Eitel; Pidot, Justin R. EOP/CEQ; Kelly, Katherine P; zachary.penney@noaa.gov; Bloomer, Laura A; Gout, Elise C. EOP/WHO; frederick.pfaeffle@hq.doe.gov; Molle-Carr, Elizabeth E. EOP/OMB; Gold, Gary M; Cordan, Nicole N. EOP/WHO; D'Ambrosio, Jocelyn M. EOP/CEQ; Beth Coffey; Leanne Holm; Tim Dykstra; Brad Thompson; Dan Feil (US ACE); Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4; Godwin,Mary E (BPA) - LN-7; Leary,Jill C (BPA) - LN-7; Springer, Roland K; Williamson, Jeremiah I; Carrington, Jennifer J; Hoefer, Scott E; Morrison, Hugh R; Gordon, Judith; Bottcher, Jared L; BrittonKuttel, Erin; Wilson, Frank S; Michael Tehan; Ryan Couch; Ritchie Graves; Chris McNulty; Michael (Mike) Eitel; Fred Turner; D'Ambrosio, Jocelyn M. EOP/CEQ; Lorri Gray; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA); Philpott, Romney (ENRD); david.frankel@usdoj.gov; McGrath, Claire C; Arroyo, Victoria; Murchie, Peter; Opalski, Dan (he/him/his); Babington, Sean - OSEC, DC; Bonnie, Robert - OSEC, DC; krystal.laymon@fema.dhs.gov; Jones, Leslie - OSEC, Washington, DC; derrick.hiebert@fema.dhs.gov; eric.letvin@fema.dhs.gov; mohsin.syed@dot.gov; leanne.spaulding@dot.gov; milo.booth@dot.gov; jetta.wong@gsa.gov; julie.potter@gsa.gov
Cc: Mirick, Patrick P; Philip, Brendan T. EOP/CEQ; Levy, Hila EOP/NSC; Veeravalli, Swathi EOP/NSC; Petes, Laura E. EOP/OSTP; Petoskey, Rose N. EOP/WHO; Reese, Elizabeth A. EOP/WHO; Lee-Ashley, Matt G. EOP/CEQ; Roberts, Alyssa A. EOP/CEQ
Subject: [EXTERNAL] Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin
Attachments: CRS PM - Draft Response Template 2023.12.12.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Interagency Partners,

Up front, please check my distribution and share as needed with colleagues.

This email provides information to assist you in carrying out section 2(b) of the Presidential Memorandum (PM) of September 27, 2023 on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin.

As you know, the PM established a government-wide policy to restore healthy and abundant salmon, steelhead, and other native fish in the Columbia River Basin ("Basin"), secure a clean and resilient energy future for the region, support local agriculture, and invest in the resilience of the communities that depend on the services provided by the Federal dams in the Basin.

Several of your Departments and Agencies have already been engaged in a whole of government effort to advance the President's policy objectives. Thank you for the energy and leadership you demonstrate in

advancing this important Administration priority. At the direction of the President, we will continue this effort with renewed urgency and creativity. And for those Departments and Agencies not yet involved in the day to day of the interagency, we look forward to engaging with you.

Section 2(b) of the PM provides that:

> *[By January 25, 2024], all agencies with applicable authorities and responsibilities . . . shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the [Columbia River System], for consistency with the policy established by [the PM]. As soon as practicable following such review, agencies shall, consistent with applicable law, identify and initiate any steps necessary to advance that policy.*

(b)(5) [redacted]

To assist in development of your consistency review, please find attached a template that reflects the categories of information the interagency will need and consider. The template includes two examples. Feel free to use a different format, while ensuring that it captures the same information. Reach out to me at Sara.R.Gonzalez-Rothi@ceq.eop.gov (202)881-9955 as needed.

Thanks again,

Sara

From: Holm, Leanne V CIV USARMY CENWD (USA) <Leanne.V.Holm2@usace.army.mil>
Sent: Tuesday, January 23, 2024 11:06 AM
To: Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7
Cc: Jeremiah Williamson
Subject: [EXTERNAL] Corps - PM response
Attachments: CRS PM - USACE Draft Response 22-Jan-2024.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Please keep close hold since it has future budget numbers in it.

Leanne Holm
Attorney
U.S. Army Corps of Engineers, Northwestern Division
Office: (503) 808-3959
Cell: (b)(6) [redacted]
leanne.v.holm2@usace.army.mil

NOTICE: THIS EMAIL CONTAINS ATTORNEY-CLIENT PRIVILEGED COMMUNICATION/ PRIVILEGED ATTORNEY WORK PRODUCT INFORMATION - DO NOT COPY, FORWARD, OR RELEASE UNDER FOIA

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Wednesday, January 24, 2024 1:39 PM
To: Ardis, Melissa
Cc: Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; Armentrout,Scott G (BPA) - E-4
Subject: RE: [EXTERNAL] FW: Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin
Attachments: CRS PM - Draft Response Template_BPA_1.24.24.xlsx

Confidential, Attorney-Client Privileged Communication

Melissa,

(b)(5) [redacted]

Thanks,

Ben

From: Ardis, Melissa
Sent: Thursday, January 18, 2024 10:28 AM
To: Armentrout,Scott G (BPA) - E-4 ; Zelinsky,Benjamin D (BPA) - E-4
Subject: [EXTERNAL] FW: Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

Good morning Scott & Ben –

I hope you have not had any ill effects from the insane weather this week.

Any chance you can share what BPA put in this request? (b)(5) [redacted]
(b)(5) [redacted]

Thank you!

Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6) [redacted]
www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Sent: Thursday, January 4, 2024 8:47 AM

To: Barrow, Brandon E <bbarrow@usbr.gov>; Robyn Colosimo <robyn.s.colosimo.civ@army.mil>; Michael Connor <michael.l.connor10.civ@army.mil>; Beth Coffey <frances.e.coffey@usace.army.mil>; Lorri Gray <lorri.j.gray@usace.army.mil>; Hairston, John <jlhairston@bpa.gov>; Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Daly, Gabriel <gabriel.daly@hq.doe.gov>; Ardis, Melissa <melissa.ardis@hq.doe.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Anderson, Robert T <Robert.Anderson@sol.doi.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Janet Coit <janet.coit@noaa.gov>; Walker Smith <walker.smith@noaa.gov>; Michael Tehan <michael.tehan@noaa.gov>; Seth Barsky <seth.barsky@usdoj.gov>; Jay Govindan <jay.govindan@usdoj.gov>; Michael (Mike) Eitel <michael.eitel@usdoj.gov>; Pidot, Justin R. EOP/CEQ <Justin.R.Pidot@ceq.eop.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; zachary.penney@noaa.gov; Bloomer, Laura A <laura.bloomer@sol.doi.gov>; Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov>; Pfaeffle, Frederick <frederick.pfaeffle@hq.doe.gov>; Molle-Carr, Elizabeth E. EOP/OMB <Elizabeth.E.Molle-Carr@omb.eop.gov>; Gold, Gary M <gary_gold@ios.doi.gov>; Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; D'Ambrosio, Jocelyn M. EOP/CEQ ; Beth Coffey <frances.e.coffey@usace.army.mil>; Leanne Holm <leanne.v.holm2@usace.army.mil>; Tim Dykstra <timothy.a.dykstra@usace.army.mil>; Brad Thompson <bradley.e.thompson@usace.army.mil>; Dan Feil <dan.h.feil@usace.army.mil>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Zelinsky, Benjamin D <bdzelinsky@bpa.gov>; Godwin, Mary E <megodwin@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>; Springer, Roland K <rspringer@usbr.gov>; Williamson, Jeremiah I <jeremiah.williamson@sol.doi.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Hoefer, Scott E <SHoefer@usbr.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Gordon, Judith <judith_gordon@fws.gov>; Bottcher, Jared L <jared_bottcher@fws.gov>; BrittonKuttel, Erin <erin_brittonkuttel@fws.gov>; Wilson, Frank S <Frank.Wilson@sol.doi.gov>; Michael Tehan <michael.tehan@noaa.gov>; Ryan Couch <ryan.couch@noaa.gov>; Ritchie Graves <ritchie.graves@noaa.gov>; Chris McNulty <chris.mcnulty@noaa.gov>; Michael (Mike) Eitel <michael.eitel@usdoj.gov>; Turner, Frederick <frederick.turner@usdoj.gov>; D'Ambrosio, Jocelyn M. EOP/CEQ ; Lorri Gray <lorri.j.gray@usace.army.mil>; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) <Timothy.M.Fleeger@usace.army.mil>; Philpott, Romney (ENRD) <Romney.Philpott@usdoj.gov>; Frankel, David <david.frankel@usdoj.gov>; McGrath, Claire C <cmcgrath@usbr.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Murchie, Peter <murchie.peter@epa.gov>; Opalski, Dan (he/him/his) <Opalski.Dan@epa.gov>; Babington, Sean - OSEC, DC <Sean.Babington@usda.gov>; Bonnie, Robert - OSEC, DC <Robert.Bonnie@usda.gov>; krystal.laymon@fema.dhs.gov; Jones, Leslie - OSEC, Washington, DC <Leslie.Jones@usda.gov>; derrick.hiebert@fema.dhs.gov; eric.letvin@fema.dhs.gov; mohsin.syed@dot.gov; leanne.spaulding@dot.gov; milo.booth@dot.gov; jetta.wong@gsa.gov; julie.potter@gsa.gov; shailen.bhatt <shailen.bhatt@dot.gov>; Benjamin, Randall (FHWA) <randall.benjamin@dot.gov>; Monje, Carlos (OST) <Carlos.Monje@dot.gov>; Coes, Christopher (OST) <christopher.coes@dot.gov>; Shikany, Ann <ann.shikany@dot.gov>; kara.fischer <kara.fischer@dot.gov>; Dean, Heather (FHWA) <Heather.Dean@dot.gov>; Marchese, April (OST) <April.Marchese@dot.gov>; Holsinger, Heather (OST) <Heather.Holsinger@dot.gov>; Spaulding, Leanne (OST) <leanne.spaulding@dot.gov>; Gillam, Laura H. EOP/OMB <Laura.H.Gillam@omb.eop.gov>
Cc: Mirick, Patrick <patrick.mirick@pnnl.gov>; Philip, Brendan T. EOP/CEQ <Brendan.T.Philip@ceq.eop.gov>; Levy, Hila EOP/NSC <Hila.Levy@nsc.eop.gov>; Veeravalli, Swathi EOP/NSC <Swathi.Veeravalli@nsc.eop.gov>; Petes, Laura E. EOP/OSTP <Laura.E.Petes@ostp.eop.gov>; Petoskey, Rose N. EOP/WHO <Rose.N.Petoskey@who.eop.gov>; Reese, Elizabeth A. EOP/WHO <Elizabeth.A.Reese@who.eop.gov>; Lee-Ashley, Matt G. EOP/CEQ <Matthew.G.Lee-Ashley@ceq.eop.gov>; Roberts, Alyssa A. EOP/CEQ <Alyssa.A.Roberts@ceq.eop.gov>
Subject: [EXTERNAL] RE: Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

Putting this at the top of inboxes for the new year.

Offer to do a call stands.

Thanks all,
SGR

From: Gonzalez-Rothi, Sara R. EOP/CEQ
Sent: Tuesday, December 19, 2023 10:09 AM
To: 'Barrow, Brandon E' <bbarrow@usbr.gov>; 'Robyn Colosimo' <robyn.s.colosimo.civ@army.mil>; 'Michael Connor' <michael.l.connor10.civ@army.mil>; 'Beth Coffey' <frances.e.coffey@usace.army.mil>; 'Lorri Gray' <lorri.j.gray@usace.army.mil>; 'John Hairston' <jlhairston@bpa.gov>; 'Jeremiah Baumann' <jeremiah.baumann@hq.doe.gov>; 'Gabe Daly' <gabriel.daly@hq.doe.gov>; 'Melissa Ardis' <melissa.ardis@hq.doe.gov>; 'Scott Armentrout' <sgarmentrout@bpa.gov>; 'Anderson, Robert T' <Robert.Anderson@sol.doi.gov>; 'Carrington, Jennifer J' <JCarrington@usbr.gov>; 'Morrison, Hugh R' <hugh_morrison@fws.gov>; 'Janet Coit' <janet.coit@noaa.gov>; 'Walker Smith' <walker.smith@noaa.gov>; 'Michael Tehan' <michael.tehan@noaa.gov>; 'Seth Barsky' <seth.barsky@usdoj.gov>; 'Jay Govindan' <jay.govindan@usdoj.gov>; 'Michael (Mike) Eitel' <michael.eitel@usdoj.gov>; Pidot, Justin R. EOP/CEQ <Justin.R.Pidot@ceq.eop.gov>; 'Kelly, Katherine P' <Kate_Kelly@ios.doi.gov>; 'zachary.penney@noaa.gov' <zachary.penney@noaa.gov>; 'Bloomer, Laura A' <laura.bloomer@sol.doi.gov>; Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov>; 'frederick.pfaeffle@hq.doe.gov' <frederick.pfaeffle@hq.doe.gov>; Molle-Carr, Elizabeth E. EOP/OMB <Elizabeth.E.Molle-Carr@omb.eop.gov>; 'Gold, Gary M' <gary_gold@ios.doi.gov>; Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; D'Ambrosio, Jocelyn M. EOP/CEQ ; 'Beth Coffey' <frances.e.coffey@usace.army.mil>; 'Leanne Holm' <leanne.v.holm2@usace.army.mil>; 'Tim Dykstra' <timothy.a.dykstra@usace.army.mil>; 'Brad Thompson' <bradley.e.thompson@usace.army.mil>; 'Dan Feil' <dan.h.feil@usace.army.mil>; 'Scott Armentrout' <sgarmentrout@bpa.gov>; 'Ben Zelinsky' <bdzelinsky@bpa.gov>; 'Mary Godwin' <megodwin@bpa.gov>; 'Jill Leary' <jcleary@bpa.gov>; 'Springer, Roland K' <rspringer@usbr.gov>; 'Williamson, Jeremiah I' <jeremiah.williamson@sol.doi.gov>; 'Carrington, Jennifer J' <JCarrington@usbr.gov>; 'Hoefer, Scott E' <SHoefer@usbr.gov>; 'Morrison, Hugh R' <hugh_morrison@fws.gov>; 'Gordon, Judith' <judith_gordon@fws.gov>; 'Bottcher, Jared L' <jared_bottcher@fws.gov>; 'BrittonKuttel, Erin' <erin_brittonkuttel@fws.gov>; 'Wilson, Frank S' <Frank.Wilson@sol.doi.gov>; 'Michael Tehan' <michael.tehan@noaa.gov>; 'Ryan Couch' <ryan.couch@noaa.gov>; 'Ritchie Graves' <ritchie.graves@noaa.gov>; 'Chris McNulty' <chris.mcnulty@noaa.gov>; 'Michael (Mike) Eitel' <michael.eitel@usdoj.gov>; 'Fred Turner' <frederick.turner@usdoj.gov>; D'Ambrosio, Jocelyn M. EOP/CEQ ; 'Lorri Gray' <lorri.j.gray@usace.army.mil>; 'Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA)' <Timothy.M.Fleeger@usace.army.mil>; 'Philpott, Romney (ENRD)' <Romney.Philpott@usdoj.gov>; 'david.frankel@usdoj.gov' <david.frankel@usdoj.gov>; 'McGrath, Claire C' <cmcgrath@usbr.gov>; 'Arroyo, Victoria' <Arroyo.Victoria@epa.gov>; Murchie, Peter <murchie.peter@epa.gov>; Opalski, Dan (he/him/his) <Opalski.Dan@epa.gov>; Babington, Sean - OSEC, DC <Sean.Babington@usda.gov>; 'Bonnie, Robert - OSEC, DC' <Robert.Bonnie@usda.gov>; 'krystal.laymon@fema.dhs.gov' <krystal.laymon@fema.dhs.gov>; Jones, Leslie - OSEC, Washington, DC <Leslie.Jones@usda.gov>; 'derrick.hiebert@fema.dhs.gov' <derrick.hiebert@fema.dhs.gov>; 'eric.letvin@fema.dhs.gov' <eric.letvin@fema.dhs.gov>; 'mohsin.syed@dot.gov' <mohsin.syed@dot.gov>; 'leanne.spaulding@dot.gov' <leanne.spaulding@dot.gov>; 'milo.booth@dot.gov' <milo.booth@dot.gov>; 'jetta.wong@gsa.gov' <jetta.wong@gsa.gov>; 'julie.potter@gsa.gov' <julie.potter@gsa.gov>
Cc: 'Mirick, Patrick P' <patrick.mirick@pnnl.gov>; Philip, Brendan T. EOP/CEQ <Brendan.T.Philip@ceq.eop.gov>; Levy, Hila EOP/NSC <Hila.Levy@nsc.eop.gov>; Veeravalli, Swathi EOP/NSC <Swathi.Veeravalli@nsc.eop.gov>; Petes, Laura E. EOP/OSTP <Laura.E.Petes@ostp.eop.gov>; Petoskey, Rose N. EOP/WHO <Rose.N.Petoskey@who.eop.gov>; Reese, Elizabeth A. EOP/WHO <Elizabeth.A.Reese@who.eop.gov>; Lee-Ashley, Matt G. EOP/CEQ <Matthew.G.Lee-Ashley@ceq.eop.gov>; Roberts, Alyssa A. EOP/CEQ <Alyssa.A.Roberts@ceq.eop.gov>
Subject: Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

Dear Interagency Partners,

Up front, please check my distribution and share as needed with colleagues.

This email provides information to assist you in carrying out section 2(b) of the Presidential Memorandum (PM) of September 27, 2023 on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin.

As you know, the PM established a government-wide policy to restore healthy and abundant salmon, steelhead, and other native fish in the Columbia River Basin ("Basin"), secure a clean and resilient energy future for the region, support local agriculture, and invest in the resilience of the communities that depend on the services provided by the Federal dams in the Basin.

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Section 2(b) of the PM provides that:

> *[By January 25, 2024], all agencies with applicable authorities and responsibilities . . . shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the [Columbia River System], for consistency with the policy established by [the PM]. As soon as practicable following such review, agencies shall, consistent with applicable law, identify and initiate any steps necessary to advance that policy.*

(b)(5)

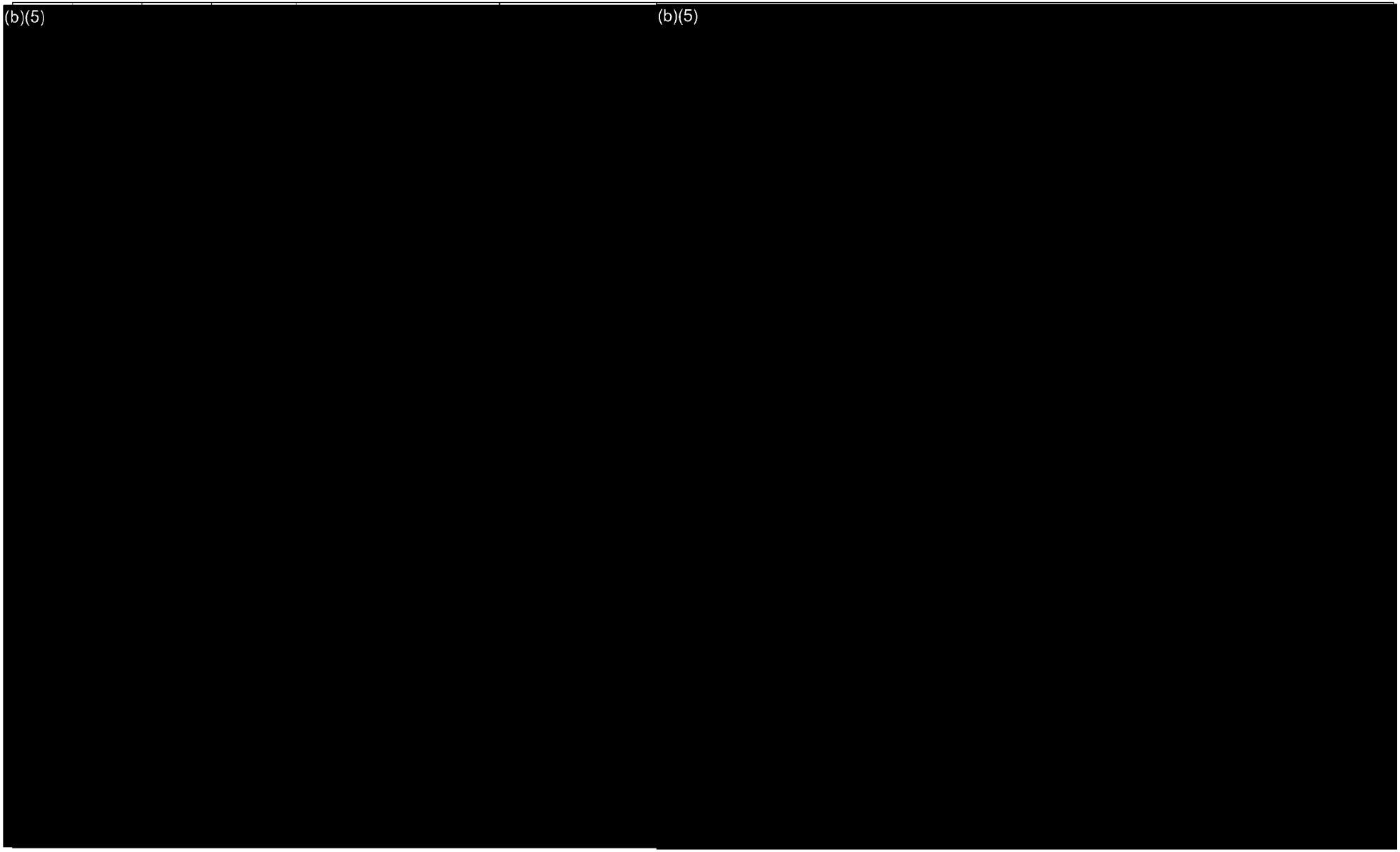
[redacted]

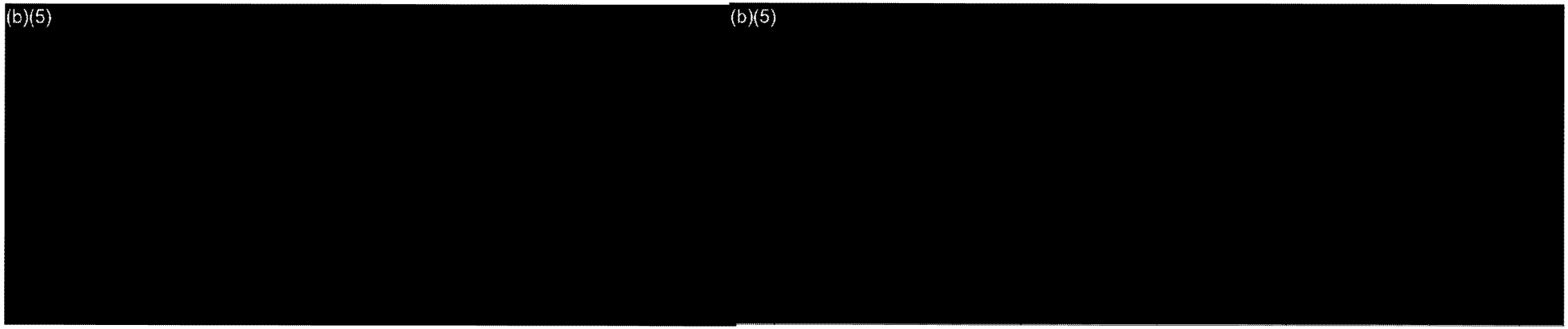
To assist in development of your consistency review, please find attached a template that reflects the categories of information the interagency will need and consider. The template includes two examples. Feel free to use a different format, while ensuring that it captures the same information. Reach out to me at Sara.R.Gonzalez-Rothi@ceq.eop.gov (202)881-9955 as needed.

Thanks again,

Sara

****
This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.
****


(b)(5)
(b)(5)


(b)(5)
(b)(5)

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Thursday, January 25, 2024 1:41 PM
To: Gonzalez-Rothi, Sara R. EOP/CEQ
Cc: Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; Ardis, Melissa; Barrow, Brandon E
Subject: Bonneville PM Consistency xls
Attachments: CRS PM - Draft Response Template_BPA_1.25.24.xlsx

Hello Sara,

Attached is Bonneville's Presidential Memo consistency review.

Thanks,

Ben

32860001 BPA-2025-03770-F 0147


(b)(5)

From: Leary,Jill C (BPA) - LN-7
Sent: Friday, April 26, 2024 1:28 PM
To: Godwin,Mary E (BPA) - LN-7; Olive,J Courtney (BPA) - LP-7
Subject: FW: [EXTERNAL] For review - Draft DOI focus area papers for Presidential Memorandum
Attachments: PM - (b)(5) Concept Paper_20240417- for CRS agency review_BPA.docx; PM - (b)(5) Focus Concept Paper_20240417 - for CRS agency review_BPA.docx

Confidential and privileged; FOIA-exempt

(b)(5)

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Monday, April 22, 2024 2:12 PM
To: Springer, Roland K ; Mirick, Patrick P ; Godwin,Mary E (BPA) - LN-7 ; Leary,Jill C (BPA) - LN-7 ; Armentrout,Scott G (BPA) - E-4 ; Coffey, Frances E (Beth) CIV USARMY CENWD (US) ; Holm, Leanne NWP ; Brad Thompson ; Dykstra, Timothy A CIV USARMY CENWD (USA) ; Morrison, Hugh R ; Gordon, Judith ; Wilson, Frank S ; jennifer.quan@noaa.gov; ritchie.graves ; ryan.couch@noaa.gov; Michael P Tehan ; Carrington, Jennifer J ; Williamson, Jeremiah I ; Barrow, Brandon E ; Eitel, Michael ; Frederick.Turner@usdoj.gov; Romney Philpott ; david.frankel@usdoj.gov; Kautzky, Kevin J
Subject: RE: [EXTERNAL] For review - Draft DOI focus area papers for Presidential Memorandum

Roland and Judy,

Thanks for the chance to review. Here are some comments and suggested edits from Bonneville.

Happy to discuss more if useful.

Ben

From: Springer, Roland K <rspringer@usbr.gov>
Sent: Wednesday, April 17, 2024 9:40 PM
To: Mirick, Patrick P <patrick.mirick@pnnl.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Coffey, Frances E (Beth) CIV USARMY CENWD (US) <Frances.E.Coffey@usace.army.mil>; Holm, Leanne NWP <leanne.v.holm2@usace.army.mil>; Brad Thompson <bradley.e.thompson@usace.army.mil>; Dykstra, Timothy A CIV USARMY CENWD (USA) <Timothy.A.Dykstra@usace.army.mil>; Morrison, Hugh R <hugh_morrison@fws.gov>; Gordon, Judith <judith_gordon@fws.gov>; Wilson, Frank S <Frank.Wilson@sol.doi.gov>; jennifer.quan@noaa.gov; ritchie.graves <ritchie.graves@noaa.gov>; ryan.couch@noaa.gov; Michael P Tehan <mike.tehan@noaa.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Williamson, Jeremiah I <jeremiah.williamson@sol.doi.gov>; Barrow, Brandon E <bbarrow@usbr.gov>; Eitel, Michael <michael.eitel@usdoj.gov>; Frederick.Turner@usdoj.gov; Romney Philpott <Romney.Philpott@usdoj.gov>; david.frankel@usdoj.gov; Kautzky, Kevin J <Kevin.Kautzky@pnnl.gov>
Subject: [EXTERNAL] For review - Draft DOI focus area papers for Presidential Memorandum

Good evening,
On today's deputies meeting, Judy and I introduced the two focus area papers ((b)(5) and (b)(5)) that DOI intends to submit to OMB as its priorities, in addition to the spreadsheet template, to meet the May PM deadline. They are both attached and we will discuss them Friday.

Due to the tight timelines, we request that you review both papers and provide FWS and Reclamation your comments by COB Tuesday, 4/23. We are requesting red flag comments, and also ask you to consider other improvements and whether/how your agency might be included in either of the focus areas.

Thanks,
Roland

Roland Springer
Deputy Regional Director
Interior Region 9: Columbia-Pacific Northwest
Bureau of Reclamation
rspringer@usbr.gov
208-378-50pl06 (office), (b)(6) (cell)

Deliberative – Privileged
Discussion Draft

Presidential Memorandum Framework Concept Paper
Department of the Interior (b)(5)

(b)(5)

(b)(5)

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(b)(5)

Deliberative – Privileged
April 17, 2024 Discussion Draft

Presidential Memo Framework Concept Paper
Department of the Interior (b)(5)

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(b)(5)

Formatted Table

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Thursday, May 16, 2024 1:01 PM
To: Cordan, R. Nicole N. EOP/WHO; Gonzalez-Rothi, Sara R. EOP/CEQ
Cc: Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; melissa.ardis@hq.doe.gov
Subject: Presidential Memo Section 2.c Bonneville Submittal
Attachments: CRS PM - Draft Response Template_BPA_May_2024.xlsx

Nicole and Sara,

Attached please find Bonneville's submittal for section 2.c of the Presidential Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin. Michael Tehan mentioned that you had directed NOAA to submit their information directly to you and not to the director of OMB as specified in section 2.c so we are following that same direction here. Please let us know if that is correct or if we should submit this directly to OMB instead. Also, we updated our submittal based on the discussion we had with you at our May 9th meeting. For example, the Fish and Wildlife Program row now includes the signed funding agreements with the Coeur d'Alene and Spokane Tribes.

Thanks,

Benjamin Zelinsky
Senior Policy Advisor for Environment, Fish, and Wildlife
Bonneville Power Administration
905 NE 11th Ave – E-4
Portland, OR 97232
503.230.4737 (office)
(b)(6) (cell)
bdzelinsky@bpa.gov


(b)(5)

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Sent: Thursday, May 16, 2024 2:14 PM
To: Zelinsky,Benjamin D (BPA) - E-4; Cordan, Nicole N. EOP/WHO
Cc: Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; melissa.ardis@hq.doe.gov
Subject: [EXTERNAL] RE: Presidential Memo Section 2.c Bonneville Submittal

Thanks Ben,

I think we may have miscommunication, and for that I am sorry—these should go to OMB. Happy to be cc'ed on the transmittal for awareness.

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Thursday, May 16, 2024 4:01 PM
To: Cordan, Nicole N. EOP/WHO ; Gonzalez-Rothi, Sara R. EOP/CEQ
Cc: Armentrout,Scott G (BPA) - E-4 ; Leary,Jill C (BPA) - LN-7 ; Godwin,Mary E (BPA) - LN-7 ; melissa.ardis@hq.doe.gov
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Portland, OR 97232
503.230.4737 (office)
(b)(6) (cell)
bdzelinsky@bpa.gov

From: Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Sent: Thursday, May 16, 2024 2:25 PM
To: Zelinsky,Benjamin D (BPA) - E-4
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ; Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; 'Ardis, Melissa'
Subject: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal
Attachments: CRS PM - Draft Response Template_BPA_May_2024.xlsx

With my correct email ☺

Ben –

Thanks for asking. If you can just send this to Maria Kim at OMB directly, that would be awesome.

Sorry for any confusion out there on this point. I've asked Patrick to clarify with the larger USG team that these should go to OMB directly with a cc to Sara and me. Thanks for raising it!

Cheers,
Nicole

From: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Sent: Thursday, May 16, 2024 4:01 PM
To: Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Cc: Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; melissa.ardis@hq.doe.gov
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Bonneville Power Administration
905 NE 11th Ave – E-4
Portland, OR 97232
503.230.4737 (office)
(b)(6) (cell)
bdzelinsky@bpa.gov

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Thursday, May 16, 2024 2:28 PM
To: Gonzalez-Rothi, Sara R. EOP/CEQ; Cordan, Nicole N. EOP/WHO
Cc: Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; melissa.ardis@hq.doe.gov
Subject: RE: [EXTERNAL] RE: Presidential Memo Section 2.c Bonneville Submittal

Thanks Sara – I'm still trying to track down the right email for OMB but once I have that, we will submit this and cc you.

Ben

From: Gonzalez-Rothi, Sara R. EOP/CEQ
Sent: Thursday, May 16, 2024 2:14 PM
To: Zelinsky,Benjamin D (BPA) - E-4 ; Cordan, Nicole N. EOP/WHO
Cc: Armentrout,Scott G (BPA) - E-4 ; Leary,Jill C (BPA) - LN-7 ; Godwin,Mary E (BPA) - LN-7 ; melissa.ardis@hq.doe.gov
Subject: [EXTERNAL] RE: Presidential Memo Section 2.c Bonneville Submittal

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From: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Sent: Thursday, May 16, 2024 4:01 PM
To: Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Cc: Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; melissa.ardis@hq.doe.gov
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Benjamin Zelinsky
Senior Policy Advisor for Environment, Fish, and Wildlife
Bonneville Power Administration
905 NE 11th Ave – E-4
Portland, OR 97232
503.230.4737 (office)
(b)(6) (cell)

32860026 BPA-2025-03770-F 0167

bdzelinsky@bpa.gov

From: Zelinsky,Benjamin D (BPA) - E-4
Sent: Thursday, May 16, 2024 2:30 PM
To: Cordan, Nicole N. EOP/CEQ
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ; Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; 'Ardis, Melissa'
Subject: RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

Thanks Nicole . We will send to Maria Kim and cc you both (with the correct email!).

Ben

From: Cordan, Nicole N. EOP/CEQ
Sent: Thursday, May 16, 2024 2:25 PM
To: Zelinsky,Benjamin D (BPA) - E-4
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ ; Armentrout,Scott G (BPA) - E-4 ; Leary,Jill C (BPA) - LN-7 ; Godwin,Mary E (BPA) - LN-7 ; 'Ardis, Melissa'
Subject: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

With my correct email 😊

Ben –

Thanks for asking. If you can just send this to Maria Kim at OMB directly, that would be awesome.

Sorry for any confusion out there on this point. I've asked Patrick to clarify with the larger USG team that these should go to OMB directly with a cc to Sara and me. Thanks for raising it!

Cheers,
Nicole

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Sent: Thursday, May 16, 2024 4:01 PM
To: Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Cc: Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; melissa.ardis@hq.doe.gov
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Thanks,

Benjamin Zelinsky
Senior Policy Advisor for Environment, Fish, and Wildlife
Bonneville Power Administration
905 NE 11th Ave – E-4
Portland, OR 97232
503.230.4737 (office)
(b)(6) (cell)
bdzelinsky@bpa.gov

From: Mirick, Patrick P <patrick.mirick@pnnl.gov>
Sent: Thursday, May 16, 2024 2:35 PM
To: robyn.s.colosimo.civ@army.mil; Frances Coffey; Leanne Holm; Zetterberg, Johanna (DOE HQ); Ardis, Melissa; Armentrout,Scott G (BPA) - E-4; Gold, Gary (IOS); Bloomer, Laura A; Morrison, Hugh R; Carrington, Jennifer J; jay.govindan@usdoj.gov; Eitel, Michael R (USDOJ); Frederick.Turner@usdoj.gov; Miller, Kimberly A. EOP/OMB; Gillam, Laura H. EOP/OMB; Molle-Carr, Elizabeth E. EOP/OMB; Kim, Maria EOP/OMB; sara.r.gonzalez-rothi@ceq.eop.gov; justin.r.pidot@ceq.eop.gov; D'Ambrosio, Jocelyn M. EOP/CEQ; Robyn.N.Cordan2@ceq.eop.gov; Elise.C.Gout@ceq.eop.gov; mike.tehan; jennifer.quan; Rauch, Samuel (NOAA); zachary.penney; Zelinsky,Benjamin D (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7; Sullivan,Leah S (BPA) - PGB-5; Calvert,Paula P (BPA) - E-4; Frankel, David S (USDOJ); Frederick.Turner@usdoj.gov; Eitel, Michael R (USDOJ); Romney Philpott; BrittonKuttel, Erin; Wilson, Frank S; Bottcher, Jared L; Gordon, Judith; mike.tehan; ritchie.graves; ryan.couch; Mirick, Patrick P; Brad Thompson; Dan Feil (US ACE); Leanne Holm; Tim Dykstra; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA); Deichert, Meagan J CIV USARMY CENWD (USA); Barrow, Brandon E; McGrath, Claire C; Williamson, Jeremiah I; Springer, Roland K; Hoefer, Scott E; Coit, Janet (NOAA); walker.smith; Anderson, Robert T; Greenberger, Sarah D; Baumann, Jeremiah (DOE HQ)
Cc: Kim, Maria EOP/OMB; Cordan, Nicole N. EOP/CEQ; Gonzalez-Rothi, Sara R. EOP/CEQ
Subject: [EXTERNAL] Send PM Section 2.c submittals to Maria Kim (and cc Nicole + SGR)

Please send your Presidential Memo Section 2.c submittals directly to Maria Kim and just 'cc Nicole and SGR.

Their e-mails are on the 'cc line of this e-mail.

Thanks!
Patrick (on behalf of Nicole + Maria)

From: Senters,Anne E (BPA) - LN-7
Sent: Thursday, December 19, 2024 3:36 PM
To: Godwin,Mary E (BPA) - LN-7; Leary,Jill C (BPA) - LN-7; Armentrout,Scott G (BPA) - E-4; Zelinsky,Benjamin D (BPA) - E-4
Cc: Chong Tim,Marcus H (BPA) - L-7
Subject: FW: TAC SIX SOVEREIGNS 100M Funding Instrument
Attachments: 20241216 Six Sovereign Funding Instrument Decision DocumentJH.pdf; TAC SIX SOVEREIGNS 100M Funding Instrument 2024_12_10JH.pdf; BPA $100M_Funding Instrument_FINAL_with signaturesJLH.pdf

This is really exciting! Congratulations to you all and thank you for your hard work on these relationships and agreements.

I'll coordinate with Mary to share with the other signatories and internal stakeholders.

FYSA I have not seen the USFWS agreement yet.

Anne Senters (she/her)
Assistant General Counsel | Office of General Counsel
BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-4998 | C (b)(6)

From: Executive Correspondence Officer
Sent: Thursday, December 19, 2024 3:21 PM
To: Renner,Marcella P (BPA) - E-4 ; Senters,Anne E (BPA) - LN-7
Cc: Johnston,Chanelle M P (BPA) - D-7 ; Executive Correspondence Officer
Subject: RE: TAC SIX SOVEREIGNS 100M Funding Instrument

All documents are signed.

Ben

From: Renner,Marcella P (BPA) - E-4 <mprenner@bpa.gov>
Sent: Tuesday, December 17, 2024 4:32 PM
To: Executive Correspondence Officer <eco@bpa.gov>
Cc: Hannigan IV,Benjamin R (BPA) - A-7 <brhannigan@bpa.gov>; Johnston,Chanelle M P (BPA) - D-7 <CMJohnston@bpa.gov>
Subject: FW: TAC SIX SOVEREIGNS 100M Funding Instrument

Hello,

Please find the attached TAC for your review and signature. This TAC describes the Bonneville Funding INSTRUMENT PROVIDING FOR CERTAIN FUNDING Commitment Disbursements TO THE SIX SOVEREIGNS under the U.S. Government Commitments in Support of the "Columbia Basin Restoration Initiative" and in Partnership with the Six Sovereigns.

We need John to sign this ASAP. My apologies for the quick turnaround. I appreciate you understanding and assistance.

Thank you,

Marcella Renner

Marcella P. Renner
Executive Associate Officer | Environment Fish and Wildlife
Supporting: S. ARMENTROUT SES/EVP| D. WELCH DVP| B. ZELINSKY SPA
BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-5136 | C (b)(6)



BONNEVILLE DECISION MEMORANDUM
FOR THE
BONNEVILLE FUNDING INSTRUMENT
PROVIDING FOR CERTAIN FUNDING COMMITMENT DISBURSEMENTS
TO THE SIX SOVEREIGNS UNDER
THE *U.S. GOVERNMENT COMMITMENTS IN SUPPORT OF THE "COLUMBIA BASIN RESTORATION INITIATIVE" AND IN PARTNERSHIP WITH THE SIX SOVEREIGNS*

1.0 SUMMARY OF DECISION

The Bonneville Power Administration ("Bonneville") has decided to enter into a Funding Instrument ("Funding Instrument") with the states of Oregon and Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe (collectively, "Six Sovereigns"),[1] through which Bonneville will provide the Six Sovereigns with certain funding for projects that contribute to the restoration of salmon and other native fish populations. The Funding Instrument is intended to implement one of Bonneville's commitments in the *U.S. Government Commitments in Support of the "Columbia Basin Restoration Initiative" and in Partnership with the Six Sovereigns* ("*Commitments*").

Bonneville's reasoning for entering into the Funding Instrument and its specific provisions is described more fully below.

2.0 BACKGROUND

On December 14, 2023, through mediated settlement discussions in *National Wildlife Federation v. National Marine Fisheries Service (NWF v. NMFS)*, 3:01-cv-640-SI (D. Or.) and *Pacific Coast Federation of Fishermen's Associations v. Bonneville Power Administration (PCFFA v. BPA)*, 20-73791 (9th Cir.), the National Wildlife Federation et al. Plaintiffs,[2] the Six Sovereigns, and the United States entered into a Memorandum of Understanding ("MOU"), which established many commitments by the federal agency defendants and other elements of the U.S. Government, including financial commitments made by Bonneville. Pursuant to the terms and conditions of the MOU, the above entities also sought and received a five year stay of litigation from the U.S. District Court for the District of Oregon in *NWF v. NMFS*. Critically, the MOU also resulted in Bonneville receiving a voluntary dismissal of the petition in the U.S. Court of Appeals for the Ninth Circuit in *PCFFA v. BPA*. The MOU signatories also agreed to extend the litigation stay and administrative closure for an additional five years if the entities are continuing to work in partnership on Columbia River Basin restoration and have not terminated the MOU.

[1] For purposes of the Funding Instrument and this Decision Memorandum, Bonneville and the Six Sovereigns may be referred to collectively as the "Parties."
[2] The National Wildlife Federation, et al. Plaintiffs are: the Pacific Coast Federation of Fishermen's Associations, the Institute for Fisheries Resources, Sierra Club, Idaho Rivers United, Northwest Sport Fishing Industry Association, NW Energy Coalition, National Wildlife Federation, Columbia Riverkeeper, Idaho Conservation League, and Fly Fishers International (collectively referred to as "NWF Plaintiffs").

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The Funding Instrument is the result of the Parties' good-faith negotiations to implement one of Bonneville's financial commitments contained in the MOU.

Specifically, Bonneville's commitment to provide "[a]n additional $100M in funding . . . over 10 years for projects that contribute to the restoration of salmon and other native fish populations . . . as prioritized by the Six Sovereigns," *Commitments* at 16, and to provide such funding to the Six Sovereigns "directly" as opposed to through "the traditional Bonneville procurement process." *Commitments* at 18. The commitment also provided that payment of this funding to the Six Sovereigns would occur "in a manner to be agreed upon." *Commitments* at 16. The Funding Instrument specifies the agreed-upon manner of payment.

3.0 DESCRIPTION OF FUNDING INSTRUMENT

Fundamentally, the Funding Instrument establishes a process for funding that Bonneville will make available to the Six Sovereigns no later than October 1st of each year. *Funding Instrument* at Section II. That annual funding, $10 million (as may be adjusted as described) below will be disbursed to specific projects upon completion of any necessary environmental compliance. *Funding Instrument* at Sections II and IV. Funds made available by Bonneville but that are not requested by the Six Sovereigns will continue to be made available for future projects until fiscal year 2033 or until the MOU is terminated.

Finally, the Funding Instrument confirms and memorializes certain understandings and legal assurances between the Parties. A more detailed summary is provided below.

3.1 Bonneville's Financial Commitment

During the term of the Funding Instrument, Bonneville commits to provide $10 million (as adjusted for inflation and potentially as described further below) under the Bonneville Administrator's authority under 16 U.S.C. § 832a(f) for projects that contribute to the restoration of salmon and other native fish populations. This funding will be prioritized by the Six Sovereigns and may be used to supplement existing Bonneville-funded projects. Bonneville's funding commitment will be indexed for inflation based on the most recent GDP Deflator published by the U.S. Bureau of Economic Analysis, generally published in March of each year. *Funding Instrument* at Section V.d. The funding will not be disbursed until Bonneville has completed any necessary environmental compliance. *Funding Instrument* at Section IV.b.

3.2 Reduction of Bonneville's Funding Commitment

The Funding Instrument also reiterates the *Commitments* language regarding a potential reduction in the amount of funding Bonneville makes available, as follows:

> In the event that Congress appropriates funds that require reimbursement by Bonneville for one of the specific USG Commitments identified in [the *Commitments*], and that type of

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> reimbursement does not arise from BPA's current reimbursement obligations, then that reimbursed amount will count toward Bonneville's total $300M funding commitment.

Funding Instrument at Section I (quoting *Commitments* at 16). This provision creates an unambiguous cap on the total amount of funds (and liabilities) that Bonneville authorizes to disburse in support of the *Commitments*. Any additional funds spent above this $300 million cap would require some independent basis, apart from the *Commitments*, and nothing in the *Commitments* obligates Bonneville to spend more than the amounts specifically identified therein.[3]

3.3 Information Sharing and Audit

The Parties agree to share information related to Bonneville mitigation projects if funds provided under the Funding Instrument are used to supplement existing Bonneville-funded projects. *Funding Instrument* at Section V.a. The Six Sovereigns will provide project information that is needed for the annual reporting under the MOU. *Funding Instrument* at Section V.c. The Six Sovereigns also agree to maintain accurate and complete financial records sufficient to reflect all expenditures of Bonneville funds. *Funding Instrument* at Section V.e. The Six Sovereigns will allow internal and external auditors to examine the records. *Id.*

3.4 Dispute Resolution

The Parties agree to pursue good faith implementation of the Funding Instrument, but have also agreed to a process for Dispute Resolution, which includes a written notice, informal dispute resolution through negotiation at the staff level and senior leadership level, and formal dispute resolution through mediation. *Funding Instrument* at Section VI.

3.5 Termination

Bonneville's funding commitment runs through its fiscal year 2033. Bonneville's funding commitment, however, will terminate if the MOU is terminated. *Funding Instrument* at Section II. In addition, if any of the Six Sovereigns pursue a claim in *NWF v. NMFS*, 01-cv-640-SI (D. Or.), *PCFFA v. BPA*, 20-73791 (9th Cir.), or initiate new litigation that arises from the same or substantially similar factual allegations or asserts the same or substantially similar claims for relief as made in the above-cited cases while the MOU is in effect and before the end of the first quarter of any fiscal year, then Bonneville will no longer make any undisbursed funds available (other than undisbursed funds from prior fiscal years). *Id.*

4.0 RATIONALE FOR DECISION

[3] The $100 million addressed in this Decision Memorandum and a $200 million commitment implemented by separate agreement, resulting in a "cap" of $300 million in new spending for Bonneville.

The Funding Instrument establishes processes, terms, and conditions for Bonneville to fulfill its MOU commitment to make available to the Six Sovereigns $100 million, over 10 years, "in a manner to be agreed upon." *Commitments* at 16. Bonneville finds that, in this way, the Funding Instrument gives effect to this MOU commitment and allows Bonneville to realize the MOU's associated benefits and value for the agency. Bonneville continues to conclude (as it initially did when signing the MOU), that the benefit it will receive from the MOU is worth moving ahead with this commitment.

Specifically, by implementing this and other commitments in the MOU, Bonneville will receive: certainty through the avoidance of costly and unpredictable litigation, certainty as to Columbia River System operations, and greater cost stability. *Commitments* at 12-13, Appendix B. All of which supports Bonneville's mission of assuring "an adequate, efficient, economical, and reliable power supply" to the region. 16 U.S.C. § 839(2). For example, the stability and predictability of system operations helps Bonneville provide an "adequate" and "reliable" power supply to the region by providing operations Bonneville can count on and plan around.

The certainty and predictability of the MOU is also valuable to Bonneville because it lessens volatility in Bonneville's power rates by insulating them from costly litigation outcomes such as court-ordered system operations and by capping the overall costs at $300 million (as discussed in 3.2, above). This supports Bonneville's statutory direction to sell at the "lowest possible rates to consumers consistent with sound business principles."16 U.S.C. §§ 838g, 825s.

Furthermore, because the MOU settles litigation claims without conceding or admitting any legal points,[4] the projects that are ultimately implemented under the Funding Instrument will not expand Bonneville's existing legal obligations under its Fish and Wildlife Program for future years. This is preferable to litigated outcomes which may have an unpredictable effect on the scope of Bonneville's overall legal obligation. Here again, moving forward with the MOU (via the Funding Instrument) is more likely to support Bonneville's statutory goals than litigation would.

Finally, the Funding Instrument allows for termination in the event of the termination of the MOU and in certain litigation contexts. This is important because it would relieve Bonneville of ongoing financial obligations under the Funding Instrument if the benefits of MOU and litigation settlement fall away.

5.0 National Environmental Policy Act

Consistent with NEPA, 42 U.S.C. § 4321, *et seq.*, Bonneville has assessed the potential environmental effects that could result from the Funding Instrument. The Funding Instrument is administrative in nature and does not require Bonneville to take any action that would have a potential effect on the human environment. Funding for individual projects will be disbursed only upon completion of any necessary site-specific environmental compliance, including NEPA

[4] MOU at 10.

analysis. If there are projects that change the status quo or directly impact the human environment, then Bonneville would conduct a commensurate NEPA process.

The Funding Instrument and MOU that it implements fall within a class of actions excluded from preparation of an Environmental Assessment or Environmental Impact Statement under NEPA. More specifically, the agreement falls within Categorical Exclusion A1 Routine DOE Business Actions, found at 10 C.F.R. Pt. 1021, Subpt D, App. A, which provides for the categorical exclusion from further NEPA review of "routine actions necessary to support the normal conduct of DOE business limited to administrative, financial and personnel actions." Bonneville has prepared a categorical exclusion determination memorandum, which is available at Bonneville's website at https://www.bpa.gov/-/media/Aep/environmental-initiatives/categorical-exclusions/cx-2023/20231212cxusgcommitments.pdf.

6.0 AUTHORITY

Bonneville's authority to execute the Funding Instrument is provided by federal statute, which affords the Bonneville Administrator broad discretion to enter into "such contracts, agreements, and arrangements . . . upon such terms and conditions and in such manner as he may deem necessary." 16 U.S.C. § 832a(f); *see also id.* § 839f(a). Further, as stated in section 4.0 Rationale, Bonneville continues to find that the benefits of the MOU make it worth moving forward with Bonneville's commitments because the arrangement in the MOU will: further Bonneville's statutory goal of "assur[ing] the Pacific Northwest of an adequate, efficient, economical, and reliable power supply" 16 U.S.C. § 839(2); assist Bonneville in striving for the "lowest possible rates to consumers consistent with sound business principles" 16 U.S.C. §§ 838g, 825s; and support Bonneville's duty to act in a sound and business-like manner. 16 U.S.C. § 839f(b).

7.0 CONCLUSION

For the reasons given herein, I have decided to sign the above-described agreement between Bonneville and the Six Sovereigns.

JOHN HAIRSTON

Digitally signed by JOHN HAIRSTON
Date: 2024.12.19 15:14:02 -08'00'

John L. Hairston — Date
Administrator and Chief Executive Officer
Bonneville Power Administration

BPA F
1325.68e
(05-2022)

U.S. DEPARTMENT OF ENERGY - BONNEVILLE POWER ADMINISTRATION *(BPA)*
TRANSMITTAL FOR ADMINISTRATOR/CEO ACTION

1. DATE	2. 568 NO *(Org Code-Year-Ref.#)*
12/10/2024	E/LN 2024 002

3. ADDRESSEE	4. TYPE OF DOCUMENT AND BRIEF DESCRIPTION OF SUBJECT MATTER
SIX SOVEREIGNS (OR, WA, YN, UMATILLA, WS, NPT)	The Bonneville Power Administration ("Bonneville") has decided to enter into a Funding Instrument ("Funding Instrument") with the states of Oregon and Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of

5. AUTHOR *(Name, Phone & Org. Code)*	6. POC *(Name, Phone, and Location)*
Anne Senters, 503-230-4998	Marcella Renner , 503-230-5136, E

7. BPA CONTROL NO.	8. CONCURRENCE DUE DATE	9. SIGNATURE DUE DATE	10. ES CONTROL NO. (DOE)
		12/18/24	

11. SEQUENCE/CONCURRENCE

ROUTING ORDER	ROUTING SYMBOL	TO	DATE IN	DATE OUT	INITIALS	SUMMARY/SPECIAL INSTRUCTIONS
X	C-Chair of the ACGC		12/10/2024	12/12/2024	TM	Tom McDonald
X	E-Environment Fish & Wildlife		12/10/2024	12/12/2024	BZ	Ben Zelinsky for Scott Armentrout
X	P-Power Services		12/10/2024	12/13/2024	SC	Suzanne Cooper
X	AI-Intergovernmental Affairs		12/10/2024	12/13/2024	SB	Sonya Baskerville
X	LN- Assistant General Counsel-Natural Resources		12/10/2024	12/13/2024	AS	Anne Senters
X	LG-Assistant General Counsel-General		12/10/2024	12/13/2024	KB	Kevin Bell
X	LP- Assistant General Counsel-Power		12/10/2024	12/12/2024	TJ	Tim Johnson
X	LT- Assistant General Counsel-Transmission		12/10/24	12/17/24	SK	Sarah Kutil
	Choose an Item					
	Choose an Item					X - Simultaneous TAC review
	Choose an Item					
	Choose an Item					
	Choose an Item					
	Choose an Item					
	Choose an Item					
	Choose an Item					
	Choose an Item					
	Choose an Item					
Req'd	F	Finance	12/17/24	12/17/24	MAH	Marcus Harris
Req'd	L	Legal	12/17/24	12/17/24	MCT	Marcus Chong-Tim
	A	Executive Correspondence	12/18	12/18	BRH IV	
	N	Chief Administrative Officer	12/18/24	12/19/24	RRf	
	K	Chief Operating Officer	12/18/24	12/18/24	JDC	
	D	Chief Workforce Strategy Officer	12/18/24	12/18/24	DMJ	
	A	Administrator/CEO		12/19/24	JOHN HAIRSTON	

File Code; SS-11-11 Retention: Retain for 20 years and then dispose. NARA Permanent: Offer when retention is met.

INSTRUCTIONS

See BPA Correspondence Manual for more detailed instructions and a sample. All items not identified below are self-explanatory.

1. **DATE:** The date transmittal is initiated.

2. **568 No:** Your Org code, year, and reference number to identify/track the TAC. Reference # is created by originating org and can be sequential or month/day. *Reference # examples: DI-2019-0001 (sequence) or DI-2019-0328 (date)

7. **CONTROL NUMBER:** For use with BPA controlled correspondence only. Assigned by Executive Correspondence Officer to individual responsible for researching/drafting response to inquiring agency.

8. **CONCURRENCE DUE DATE:** The date comments and concurrence/non-concurrence are due back to the originator.

9. **SIGNATURE DUE DATE:** The date the Front Office signature, acknowledgment, or concurrence is needed by. This date needs to allow for *5 working days* to process through the Executive Office.

DROP DOWN INSTRUCTIONS: To utilize just the keyboard and tabbing through the drop down menu, you will need to use ALT + arrow keys to navigate to your selected organization.

SUMMARY/SPECIAL INSTRUCTIONS: A more detailed description of the subject matter *(see Block 4)* if required. You may set TAB markers in this field; however, you will need to use the CTRL + TAB keys to move to the next TAB marker. To add blank lines press the Enter key until your cursor is where you need it to be.

INITIALS: Do not pre-populate the initials of the individual you believe will be concurring on the TAC. Allow the business line to appoint and sign-off as they deem appropriate, after they have reviewed the specified document.

10. ES CONTROL NO. (DOE): For use with controlled correspondence assigned by the Department of Energy (DOE).

11. SEQUENCE/CONCURRENCE: Indicate by number the routing order. Use routing symbol and name on blank lines for additional reviewers. Simultaneous review may be used to expedite the process and give reviewers more time individually. *(Prepare copies of entire BPA F 1325.68e package for each simultaneous reviewer.)* NOTE: The Executive Office **DOES NOT** receive documents for simultaneous review. All TACS go to **A - Executive Correspondence Officer** for distribution to the front office executives.

FAX NUMBER: Fax number is required when interacting with Customer Service Centers.

DC *(Washington, DC Office):* For concurrence with DC office. The name of the individual contacted *(or faxed to)* and date of concurrence.

BONNEVILLE FUNDING INSTRUMENT
PROVIDING FOR CERTAIN FUNDING COMMITMENT DISBURSEMENTS
UNDER
THE *U.S. GOVERNMENT COMMITMENTS IN SUPPORT OF THE "COLUMBIA BASIN RESTORATION INITIATIVE" AND IN PARTNERSHIP WITH THE SIX SOVEREIGNS*

Through mediated discussions in *National Wildlife Federation v. National Marine Fisheries Service (NWF v. NMFS)*, 3:01-cv-640-SI (D. Or.) and *Pacific Coast Federation of Fishermen's Associations v. Bonneville Power Administration*, 20-73761 (9th Cir.), the National Wildlife Federation et al. Plaintiffs[1], the State of Oregon, the State of Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, and the United States entered into a Memorandum of Understanding on December 14, 2023 ("MOU"), which described many commitments, including federal commitments to implement certain *U.S. Government Commitments in Support of the "Columbia Basin Restoration Initiative" and in Partnership with the Six Sovereigns* ("*Commitments*"). Pursuant to the terms and conditions of the MOU, the above entities also sought and received a five year stay of litigation from the U.S. District Court for the District of Oregon in *National Wildlife Federation, et al. v. National Marine Fisheries Service, et al.* The entities agreed to move to extend the litigation stay for an additional five years if the entities are continuing to work in partnership on Columbia River Basin restoration and have not terminated the MOU.

The parties to this Funding Instrument are the Bonneville Power Administration ("Bonneville"), the states of Oregon and Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe (collectively, the "Six Sovereigns"). Bonneville and the Six Sovereigns shall be collectively referred to as the "Parties." Relevant provisions of the *Commitments* or associated MOU are captured in Section I, below, for clarity.

This Funding Instrument is intended to implement one of Bonneville Power Administration's commitments in the *Commitments* in a manner consistent with the MOU. However, in negotiation of the terms and conditions of this Funding Instrument, a lack of alignment became apparent between the Parties as to the proper interpretation of certain provisions of the MOU. In the interest of cooperation, the Parties have, therefore, agreed to disagree as to the proper

[1] The National Wildlife Federation, et al. Plaintiffs are: the Pacific Coast Federation of Fishermen's Associations, the Institute for Fisheries Resources, Sierra Club, Idaho Rivers United, Northwest Sport Fishing Industry Association, NW Energy Coalition, National Wildlife Federation, Columbia Riverkeeper, Idaho Conservation League, and Fly Fishers International (collectively referred to as "NWF Plaintiffs").

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interpretation of certain MOU provisions and instead reserve all respective rights and remedies as described in Section VII while agreeing here to the following terms and conditions to facilitate the implementation of projects intended to contribute to the restoration of salmon and other native fish populations without further delay:

I. **Bonneville Power Administration Funding Commitment** – This Funding Instrument specifically addresses the allocation to and disbursement of funding from Bonneville to the Six Sovereigns, or their designee in accordance with the following commitment:

> An additional $100M in funding under the Bonneville Administrator's authority under 16 U.S.C. § 832a(f) over 10 years for projects that contribute to the restoration of salmon and other native fish populations. To implement this commitment, Bonneville will provide an annual $10M payment to the Six Sovereigns in a manner to be agreed upon, to distribute to specific projects, as prioritized by the Six Sovereigns. The Six Sovereigns will coordinate with relevant regional sovereigns as appropriate on projects.

Commitments at 16. This funding commitment is hereinafter referred to interchangeably as "Bonneville Funding" or "Bonneville's funding commitment". Further, the *Commitments* state:

> Bonneville agrees that the Six Sovereigns shall collectively and autonomously determine their priorities for the $100M over 10 years described above. Annual $10M payments of these funds will be made directly as described above, vs. through the traditional Bonneville procurement process.

Commitments at 18.

With respect to the agreed-upon inflation applied to Bonneville's funding commitment, the *Commitments* provide that Bonneville's Funding Commitment "for fish restoration activities shall be indexed for inflation based on the GDP Deflator published by the U.S. Bureau of Economic Analysis and further described in the associated funding agreement with the Six Sovereigns." *Commitments* at 17.

Lastly, Bonneville's Funding Commitment will only be reduced as provided for in the *Commitments,* which states:

> In the event that Congress appropriates funds that require reimbursement by Bonneville for one of the specific USG Commitments identified in [the *Commitments*], and that type of

reimbursement does not arise from BPA's current reimbursement obligations, then that reimbursed amount will count toward Bonneville's total $300M funding commitment.

Commitments at 16.

II. Effective Date and Duration – This Funding Instrument will be effective when it is signed by all Funding Instrument Parties and will remain in effect through the date of the last disbursement provided for in Section IV. Provided however that if the MOU is terminated, Bonneville's funding commitment herein recognized in Section I to make $10 million (adjusted for inflation) available to the Six Sovereigns on October 1st of each year will also terminate.

All Parties understand and agree that Bonneville will make the $10 million (adjusted for inflation) available to the Six Sovereigns no later than October 1st each year. After Bonneville provides written notice as provided for in Section III.g. below but no sooner than October 1st of each year, these funds are committed, and will continue to be made available to the Six Sovereigns for their designation to projects that contribute to the restoration of salmon and other native fish populations, with disbursement of such funds to specific projects subject to any necessary environmental compliance as described in Section IV.

If any of the Six Sovereigns pursue a claim in *NWF v. NMFS*, 01-cv-640-SI (D. Or.), *PCFFA v. BPA*, 20-73791 (9th Cir.), or initiate new litigation that arises from the same or substantially similar factual allegations or asserts the same or substantially similar claims for relief as made in the above-cited cases while the MOU is in effect and before the end of the first quarter of any fiscal year, then Bonneville will no longer make any undisbursed funds available (other than undisbursed funds from prior fiscal years as described in Section III of this Funding Instrument). The Six Sovereigns' use of funds made available to them by Bonneville under this Funding Instrument prior to MOU termination will continue to be governed by the terms and conditions of this Funding Instrument. The termination or expiration of this Funding Instrument shall not extinguish or prejudice the Parties' right to enforce this agreement in accordance with its terms.

III. Identification of Projects, Disbursement Request Sufficiency Determination and Carryover Funding

a. Types of Projects: Consistent with the *Commitments*, the Six Sovereigns must use the Bonneville Funding for projects that contribute to the restoration of salmon and other native fish populations.

b. Disbursement Request: Each of the Six Sovereigns will provide Bonneville a Disbursement Request for each project to be funded under this agreement. Such Disbursement Request will include a project description(s), information requested in the Environmental Compliance Questionnaire, see Attachment 1, and funding information, (Attachment 2, *Request for Taxpayer Identification Number and Certificate*[2]) for the sole purpose to allow Bonneville to complete, with the project sponsor's participation as part of a project as appropriate, any necessary environmental compliance and disburse funds (hereinafter referred to as a "Disbursement Request"). Disbursement Requests shall be sent to: FWagreements@bpa.gov with the subject line "*Commitments* Disbursement Request – [Sponsor Name]."

c. Identification of Disbursement Requests for FY24: As soon as practicable following the execution of this Funding Instrument, each of the Six Sovereigns will submit Disbursement Requests to Bonneville identifying projects that they intend to implement with Bonneville Funding (2024 Disbursement Requests).

d. Identification of Disbursement Requests for FY25: By the beginning of Q2 of federal fiscal year (FY) 25, each of the Six Sovereigns will submit Disbursement Requests to Bonneville identifying projects that they intend to implement with Bonneville Funding beginning in FY25.

e. Identification of Disbursement Requests for FY26-FY33: By the beginning of Q4 of each federal FY, starting with Q4 of FY25, each of the Six Sovereigns will submit Disbursement Requests to Bonneville identifying projects that they intend to implement with Bonneville Funding in the next FY.

f. Coordination Meetings: Each Sovereign[3] and Bonneville staff agree to meet as soon as practicable for FY24, during the month of January in FY25, and July of each following year this Funding Instrument is in effect to discuss the Disbursement Requests and facilitate Bonneville's information gathering and determination of Disbursement Request sufficiency.

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[2] If the Six Sovereigns identify a designee(s) for a disbursement, the relevant sovereign will provide the information specified in the *Request for Taxpayer Identification Number and Certificate* (*see* Attachment 2) and sufficient bank account information for the designee(s).

[3] If any projects have been proposed by multiple Sovereigns, those Sovereigns agree to meet together with Bonneville staff as described in this paragraph.

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1. Within 15 days of each Coordination meeting, if Bonneville determines that any project requires additional information for Bonneville to carry out any necessary environmental compliance for the disbursement of funds, then Bonneville agrees to specify with particularity what additional information is required. Each sovereign agrees to provide any requested additional information as soon as practicable.

2. Within 15 days of receipt of that additional information from the project sponsor Sovereign, Bonneville must notify that Sovereign whether such information is sufficient for that purpose. If more information is necessary, then Bonneville must specify with particularity what additional information is required and why that information is necessary to complete its review.

3. The Parties acknowledge that given the number of Disbursement Requests being advanced in FY2025 (projects for FY2024, FY2025 and FY2026) some timelines may need to be adjusted to accommodate workloads. The Parties agree to work in good faith to accommodate reasonable schedule change requests.

4. Any disputes regarding an information request will be handled pursuant to the dispute resolution clauses of Section VI., below.

g. Bonneville Notice on Environmental Compliance Needs and Disbursement Request Sufficiency: No later than 60 days of Bonneville's receipt of a Disbursement Request, Bonneville shall provide to the submitting Sovereign a written notice that specifies:

1. Which of the projects do not require environmental compliance;

2. Which of the projects fall within existing environmental compliance and do not need any additional environmental compliance work. To the extent known, Bonneville will state what environmental compliance covers the projects;

3. Which of the projects fall within existing environmental compliance but need additional environmental compliance work. To the extent known, Bonneville will state what environmental compliance applies to the projects;

4. Which of the projects do not fall within existing environmental compliance but need environmental compliance. To the extent known, Bonneville will state the type of environmental compliance anticipated;

5. With respect to each project identified in Section III.g.3. and 4., whether Bonneville requires additional information about the project from the Sovereign to carry out any necessary environmental compliance for the disbursement of funds or if the information provided is sufficient.

h. Carryover funds:

1. If the total amount of Disbursement Requests in a FY is less than the amount made available for that FY under Section II, as maybe adjusted under Section V, below, then Bonneville will continue to make the remaining funds available in future fiscal years with no further inflation adjustment; provided however that Bonneville will not continue to make available such remaining funds after the MOU is terminated or after fiscal year 2033, whichever is earlier.

2. If the total amount of Disbursement Requests are equivalent to the amount made available under Section II, as maybe adjusted under Section V, below, for all relevant fiscal years, then Bonneville will continue to make those carryover funds available in future fiscal years with no further inflation adjustment; provided further that Bonneville will continue to make available such carryover funds until the total amount requested in all Disbursement Requests are disbursed. The effect of this Section III.h.2 is that as long as the Six Sovereigns have submitted complete Disbursement Requests (with the accompanying project Environmental Compliance Questionnaires) for the total amount of funding made available to the Six Sovereigns during the term of the MOU then the total amount of Bonneville funding in such Disbursement Requests are committed and will continue to be made available to the Six Sovereigns for their designation to projects that contribute to the restoration of salmon and other native fish populations regardless of any termination of the MOU.

i. Budget Coordination. The Parties agree to coordinate before the end of Q3 of the FY if it appears likely funds will not be fully disbursed to provide full transparency and time for budget planning.

IV. Applicable Laws, Environmental Compliance and Funding Disbursements–

a. Applicable Laws: All activities undertaken pursuant to this Funding Instrument must be in compliance with all applicable laws and regulations. No provision of this Funding Instrument will be interpreted or constitute a commitment or requirement that Bonneville take action in contravention of law, including the Administrative Procedure Act, the National Environmental Policy Act, the Endangered Species Act,

the National Historic Preservation Act, Federal Advisory Committee Act, Information Quality Act, or any other procedural or substantive law or regulation (including applicable State and Tribal law). Federal law shall govern the implementation of this Funding Instrument and any action, whether mediated or litigated, brought or enforced.

b. Environmental Compliance:

1. Environmental Compliance Requirement: Consistent with Section 5.1 of the MOU, Bonneville cannot make a disbursement to the Six Sovereigns, or its designee, to fund implementation (not planning) of a project until Bonneville has completed any necessary environmental compliance.

i. The Parties acknowledge project planning, permitting and other pre-project work may be proposed by the Six Sovereigns. Bonneville can and will release funding to the Six Sovereigns for these purposes, including funding environmental analyses needed to complete Bonneville's (or other lead federal agency, if applicable) environmental compliance.

2. Timing of Completion of Any Necessary Environmental Compliance and Written Confirmation: Bonneville shall promptly complete any necessary environmental compliance and provide written confirmation to the Six Sovereigns that all necessary environmental compliance has been carried out with respect to each Disbursement Request. Consistent with Section III, the Six Sovereigns agree to respond to Bonneville's reasonable requests for additional information that may be necessary to complete such environmental compliance.

3. Funding Disbursement: As soon as possible but no earlier than October 31st of each year and no later than thirty days from Bonneville's written confirmation of either completion of any necessary environmental compliance provided for in Section IV.b.2 or the notice provided for in Section III.g for those projects for which no environmental compliance or no additional environmental compliance is necessary, Bonneville shall disburse funds to the relevant Sovereign.

V. Information Sharing, Adjustment to Funding, Audit –

a. The Parties further agree to share information related to Bonneville mitigation projects if Bonneville Funding is used to supplement an existing Bonneville-funded project.

b. Consistent with the *Commitments* at 18, the Six Sovereigns are responsible for determining priorities for projects that contribute to the restoration of salmon and native fish populations.

c. If the Parties determine content on the projects funded through this Funding Instrument is appropriate for including in the annual progress review, the annual progress report, and the annual status report called for under Section 6.4 of the MOU, the Parties agree that Bonneville will not have this information and therefore the Six Sovereigns are responsible for providing it.

d. Adjustment to Funding: As soon as possible after publication of the prior year GDP Deflator, but no later than the end of Q3 of the federal FY, Bonneville will provide the Six Sovereigns with a calculation of the amount of funding available for the following FY which will include the available $10 million annual funding commitment and the applied GDP Deflator. The GDP Deflator applied to each annual funding commitment will be based on the most recent final GDP Deflator, generally published in March of each year. Bonneville will also provide the Six Sovereigns with the total amount of any adjustments under the terms of this Funding Instrument including any agreed-upon unexpended funds to be carried forward as described below.

e. Audit:

1. While the MOU is in effect and one year after its termination, the Six Sovereigns shall maintain accurate and complete financial records sufficient to reflect properly all expenditures of Bonneville funds by the Six Sovereigns in performance of work accomplished pursuant to this Funding Instrument.

2. Authorized Bonneville officials or its representatives, including internal and external auditors, shall have the right to examine the records supporting expenditures of Bonneville funds by the Six Sovereigns pursuant to this Funding Instrument. This right of examination shall include inspection at all reasonable times at the Six Sovereigns' facilities used in performing work pursuant to this Funding Instrument, and at locations where records pertaining to the projects funded under this Funding Instrument are maintained. Bonneville shall provide reasonable notice prior to examination.

VI. Dispute Resolution – The Parties agree to use best efforts to pursue the good faith implementation of this Funding Instrument. In the event of any disagreement or dispute arising out of or relating to this Funding Instrument, however, the Parties agree to pursue a good faith resolution of that disagreement or dispute through informal negotiation

before resorting to formal dispute resolution procedures, in accordance with the provisions below.

a. Point of Disagreement: A Party may raise a point of disagreement arising out of or relating to this Funding Instrument by giving written notice thereof to the other Party. The written notice shall include a summary of the disagreement, the Party's position on the appropriate resolution(s) of the disagreement, and any documents or supporting material that assist in describing the disagreement or supporting the Party's position on an appropriate resolution. The Parties agree to strive to provide notice of any point of disagreement at the earliest opportunity. They further agree that all reasonable requests for information made by one Party to the other during the negotiation process laid out below will be honored, with Bonneville treating "reasonable" within the context of what would be released under the Freedom of Information Act.

b. Informal Dispute Resolution – Negotiation:

   1. The Parties will first work to resolve the point of disagreement through negotiation at the staff level. If the Parties are unable to agree on a resolution after preliminary negotiation at the staff level, a Party may request consultation with each Party's senior leadership to help clarify the matter and the Parties' respective interests and positions in reaching a resolution. If resolution is still not achieved, the negotiation shall be elevated to senior leadership for each Party.

   2. Only if negotiation at the staff level is unsuccessful may a Party elevate the negotiation to the senior leadership level by giving the other Party written notice thereof. Senior leadership for the Parties will make every reasonable effort to negotiate a mutually agreeable resolution.

c. Formal Dispute Resolution – Mediation: If the Parties are unable to achieve resolution of a disagreement or dispute after complying with the informal dispute resolution provisions above, a Party may request formal mediation. Mediation may occur using a mutually agreed upon mediator; provided further that if utilized, the mediator will not render a decision but will assist the Parties in reaching a mutually satisfactory resolution.

VII. General –

a. Entire Agreement; Modification. This Funding Agreement, including Attachments, sets forth the entire understanding between the Parties. All previous understandings, agreements, and communications between the Parties, whether verbal, written,

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express, or implied, with reference to this Funding Instrument are superseded. This Funding Instrument may be modified only by a written amendment that is expressly agreed to and signed by all Parties.

b. No General Admissions or Concessions: The Parties agree this Funding Instrument is not to be construed as a concession or admission by any Party as to the validity of any fact or legal position concerning the claims or defenses in the *National Wildlife Federation, et al. v. National Marine Fisheries Service, et al.* and the *Pacific Coast Federation of Fishermen's Associations v. Bonneville Power Administration* litigation.

c. The Parties understand and agree that there is a lack of alignment with regards to respective interpretations of certain provisions of the MOU and that the Parties are entering into this Funding Instrument in the interest of cooperation and to facilitate immediate implementation of projects to benefit recovery of species; provided however, the Parties enter into this Funding Instrument without compromising each of the Parties' rights as reserved in this Section.

d. Reservation of Rights: Nothing in this Funding Instrument is intended to waive, abrogate, modify, or affect in any way any right or immunity of the Parties, and the Funding Instrument shall not be construed to have any such effect. This Funding Instrument neither creates nor satisfies any independent Treaty or trust obligation.

e. No Principle or Precedent: The terms of this Funding Instrument may not be utilized by any Party as evidence of the understanding of the Parties as to the terms and conditions of the MOU, nor as any principle or precedent with regard to any issue addressed in this Funding Instrument, or otherwise limit any Party's participation in any other pending or related matter. This Funding Instrument shall not be offered in evidence or cited as precedent by any Party to this Funding Instrument in any judicial litigation, arbitration, or other adjudicative proceeding, including without limitation the court of federal claims, except in a proceeding relating to establish the existence of or to enforce or implement this Funding Instrument. This subsection shall survive any termination of this Funding Instrument.

f. Force Majeure: No Party shall be required to perform if they are unable to perform due to any cause beyond their control. This may include, but is not limited to, court order, fire, flood, terrorism, pandemics, earthquakes, strike or other labor disruption, act of God or riot. The Party whose performance is affected by a force majeure will notify the other Parties as soon as practicable of its inability to perform and make all reasonable efforts to promptly resume performance once the force majeure is

eliminated. If the force majeure cannot be eliminated or addressed, and the Parties cannot agree as to whether the Funding Instrument should remain in force or be modified considering the force majeure, the Party whose performance is affected by a force majeure may terminate the Funding Instrument after complying with the dispute resolution procedures in Section VI of this Instrument.

g. Parties agree that each Party to this Funding Instrument shall bear its own attorneys' fees, costs, and expenses for creation, negotiation or administration of this Instrument, and that no Party may seek reimbursement or an award of attorneys' fees, costs, and expenses for creation, negotiation or administration of this Instrument.

h. Construction: The Parties acknowledge that each Party has participated in the drafting of this Funding Instrument, and that any ambiguity should not be construed against any Party on account of such drafting.

i. Schedule of Attachments.
ATTACHMENT 1 – Template for Initial Information Requested for Bonneville Environmental Compliance
ATTACHMENT 2 – Request for Taxpayer Identification Number and Certificate

VIII. Signatures –
Signatures appear on the following pages.

The undersigned Party, by execution of this Agreement, hereby acknowledges that their signing representative has read this Agreement, understands it, has authority to execute it, and agrees to be bound by its terms and conditions.

APPROVED:
For the STATE OF OREGON

(b) (6)

12/19/2024
Date

APPROVED:
For the STATE OF WASHINGTON

(b) (6)

December 18, 2024
Date

APPROVED:

For the CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

(b) (6)

12/6/24

Gerald Lewis, Yakama Tribal Council Chairman — Date

Docusign Envelope ID: DACE06E1-9F42-4472-83CC-F0F35827A2D2

APPROVED:
For the CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

(b) (6)

Jonathan W. Smith, Sr. Date
Chair, Tribal Council

APPROVED:
For the CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

(b) (6) [redacted]

12-11-24

Gary I. Burke
Chairman, Board of Trustees

Date

APPROVED:
For the NEZ PERCE TRIBE

(b) (6)

Shannon Wheeler, Chairman — Date 12-13-2024

(b) (6)

Rachel P. Edwards, Secretary — Date 12-13-2024

APPROVED:
For the BONNEVILLE POWER ADMINISTRATION

JOHN HAIRSTON Digitally signed by JOHN HAIRSTON Date: 2024.12.19 15:16:49 -08'00'

John L. Hairston Date
Administrator and CEO
Bonneville Power Administration

ATTACHMENT 1: TEMPLATE FOR INITIAL INFORMATION REQUESTED FOR BONNEVILLE ENVIRONMENTAL COMPLIANCE

1) Project Sponsor/Organization and Primary Contact Name/Email/Phone:

2) Name of Project:

3) Date of Construction Start (including staging or access road preparation) Month/Year:

4) Type of Action (check all that apply):
   a. Land acquisition
   b. Fish/wildlife habitat restoration
   c. Fish passage
   d. Hatchery/fish production
   e. Other_____

5) If the project is hatchery/fish-production related, would the proposed project change any of the following (include all that apply)? Please provide an explanation of these proposed changes:
   a. Species
   b. Production #s
   c. Release methods or sites
   d. Outplanting
   e. New temporary weirs or screw traps
   f. New hatchery site or new structure at an existing site
   g. Changes to water supply or quality (both in and out of the facility)
   h. Impacts on hatchery RM&E

6) Please List Landownership: (state, Federal, Tribal, private, etc.):

7) Would this action expand or contribute to an existing F&W program project or contract? If yes, under which project # and contract #?

8) Please list any other sources of implementation funding and if there are other Federal agencies involved with the project so Bonneville may coordinate on any applicable environmental compliance process.

9) If this is a new project or an expansion of a project that already has environmental compliance in place, please provide a brief project description that will help illustrate what is planned.[4] If this is a scope expansion of an existing project, please define the expanded scope.

[4] Examples of helpful project description information include the location of the proposed project, including site access, bridges, and water body and stream crossings; type of planned construction work and equipment to be used; if staging areas are necessary, and if so, location and acreage; applicable GIS information; location and acreage of vegetation disturbance areas; and any best management practices that would be implemented as part of the project.

BPA F4220.01ae
(09-2023)
Substitute IRS
Form W9e
Page 1 of 3

CUI

U.S. DEPARTMENT OF ENERGY - BONNEVILLE POWER ADMINISTRATION (BPA)

REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATE

INSTRUCTIONS: Request for Taxpayer Identification Number and Certificate, and the New Profile Request must be completed to create a profile to allow for contract and/or payment. See page 3 for Privacy Act Statement.
Due to the sensitive nature of information contained in this form please encrypt (see the end of the form for options) the form for submittal. Route the encrypted form via email to vendormaintenance@bpa.gov. Please send password in a separate email to the same address.
Contact Phone Number: (360) 418-2800

1. Name *(Required, as shown on your income tax return)*

2. Business Name/disregarded entity name *(If different from above)*

3. Federal Tax Classification
(Check the appropriate box for federal tax classification of the person whose name is mentioned above in Section 1)

Select One

Other
(Specify)

4. Exemptions *(codes apply only to certain entities, not individuals)*. See instructions on page 4 of Form W-9 (Rev. October 2018).

Exempt Payee Code *(If any)*

Exemption from FATCA reporting code *(Applies to accounts maintained outside the U.S.)*

5. Address:

City | State | Zip Code

6. Social Security Number or 7. Employer Identification Number

Certification: Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the certification instructions below.

Signature of U.S. Person | Date

Filled in by BPA →	CONTROLLED DISTRIBUTION Access is restricted to those with a Lawful Government Purpose and must be protected and marked when printed or distributed. Controlled by: Name/Agency/Org/Contact info	
	CUI Category: PRVCY Date:	

File Code: PB – 1205; Retention: Destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

CUI

BPA F4220.01oe (09-2023)
Page 2 of 3

U.S. DEPARTMENT OF ENERGY - BONNEVILLE POWER ADMINISTRATION (BPA)
NEW VENDOR PROFILE REQUEST

1. Vendor Name *(Required, as on IRS tax return or of parent company)*

2. Vendor Branch/Division Name *(If applicable)*

3. DBA Vendor Name
(Name business is done as, or commonly as, also known as, DBA name, etc.)

4. Phone Number *(Required)* 5. Email address

6. Vendor Contact Person Name *(Required)* 7. Today's Date *(Required)*

8. Business Address: ☐ address is the same as on W9 form
If address is different from the address on the W9 form, provide below.

Street Address City

State Zip Code Country

9. Customer Account Number for BPA
(Account number vendor has assigned to BPA)

10. BPA Contact Name *(Required)* 11. Unique Entity ID (UEI) (issued by www.SAM.gov) 12. DUNS Number *(9-digits)*

13. Remit Address: ☐ address is the same as on W9 Form
If address is different from the address on the W9 form, provide below.

Remit Street Address Remit City

Remit State Remit Zip Code Remit Country

14. Financial Institution Information *(All fields required for ACH/EFT payment)*

Bank Name Bank Phone Number

Payee Contact Person Name Payee Contact Phone Number

Nine Digit Transit Number Depositor Account Number

15. Business Classification *(Required, select one: Service Vendor, Supplier-Regular, Customer, Other Government (Non-Federal), Federal, Utilities, Land, Attorney, Invitational, Ex-Employee)* Select One

16. WMBE Award Category *(Required, select only one: Disadvantaged (minority), Native American, Woman, Veteran, OR: Large Business, Small Business, Foreign, Non-Profit, Federal, Other Government, Section 8a, HUBZone, Private Individual)* Select One

File Code: PB – 1205; Retention: Destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

CUI

BPA # 4220.01ae U.S. DEPARTMENT OF ENERGY - BONNEVILLE POWER ADMINISTRATION (BPA)

(09-2023) NEW VENDOR PROFILE REQUEST

Page 3 of 3

Privacy Act Statement:

Authority: BPA must file information returns with the IRS, reporting interest, dividends and other income paid to individuals. Under 26 U.S.C. § 6109 and 16 U.S.C. § 832a(f), 839f(a), individuals who receive such payments from BPA are required to provide BPA with a Social Security number or Employer Identification Number.

Purpose: BPA will use this information to report and process payments (or debits) to the IRS, as required by law.

Routine Uses: A record from this system may be disclosed to the Internal Revenue Service to comply with applicable tax laws. A record in this system may be disclosed to BPA/DOE employees and contractors who need the information to complete job functions. A record in this system may be disclosed to the appropriate local, state, or federal agency when the records alone, or in conjunction with other information, indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature. Other routine uses of this information may be found in Privacy Act System of Records DOE-18, Financial Accounting System.

Disclosure: Individuals who refuse to provide this information may be denied the ability to contract with BPA.

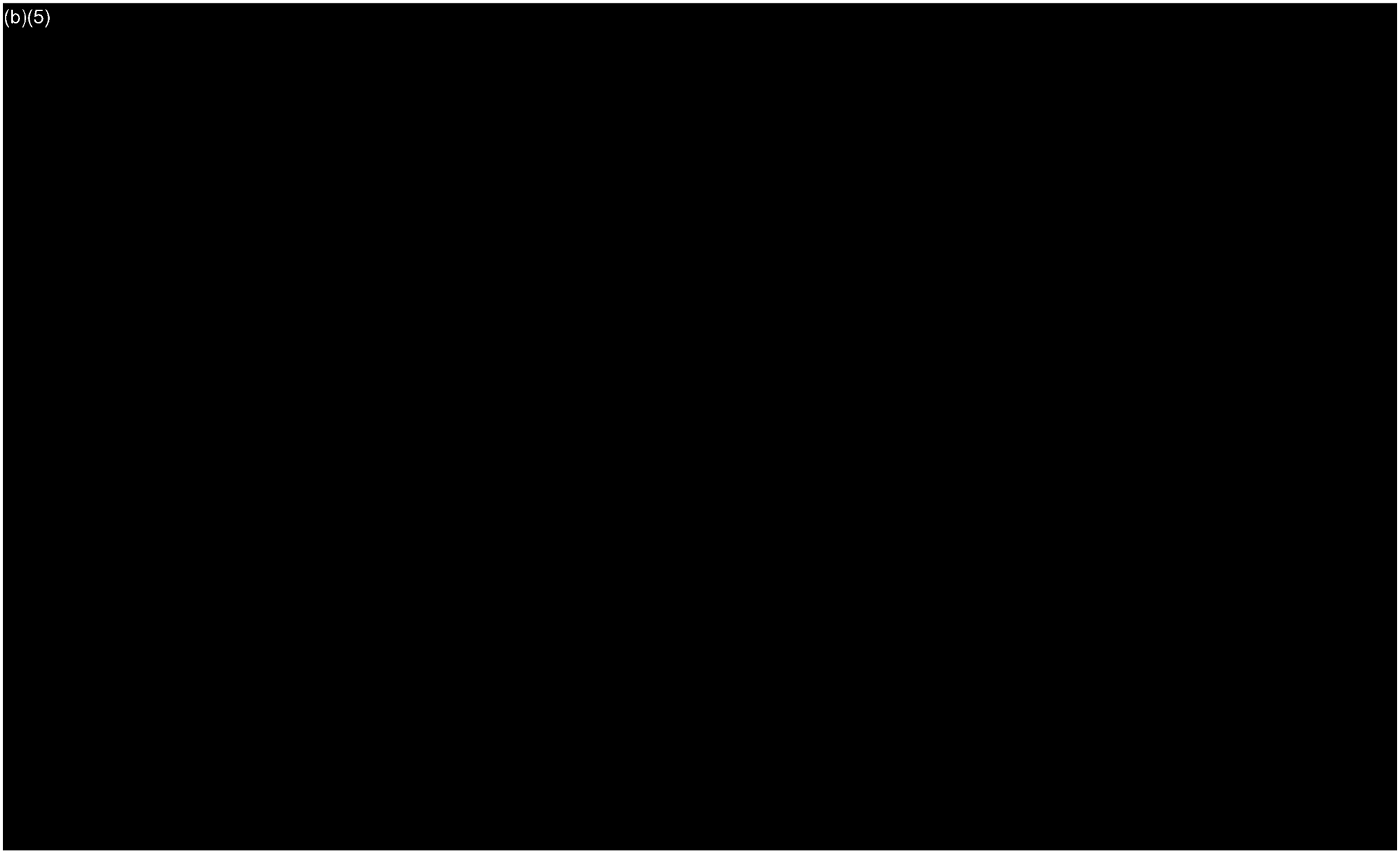
Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

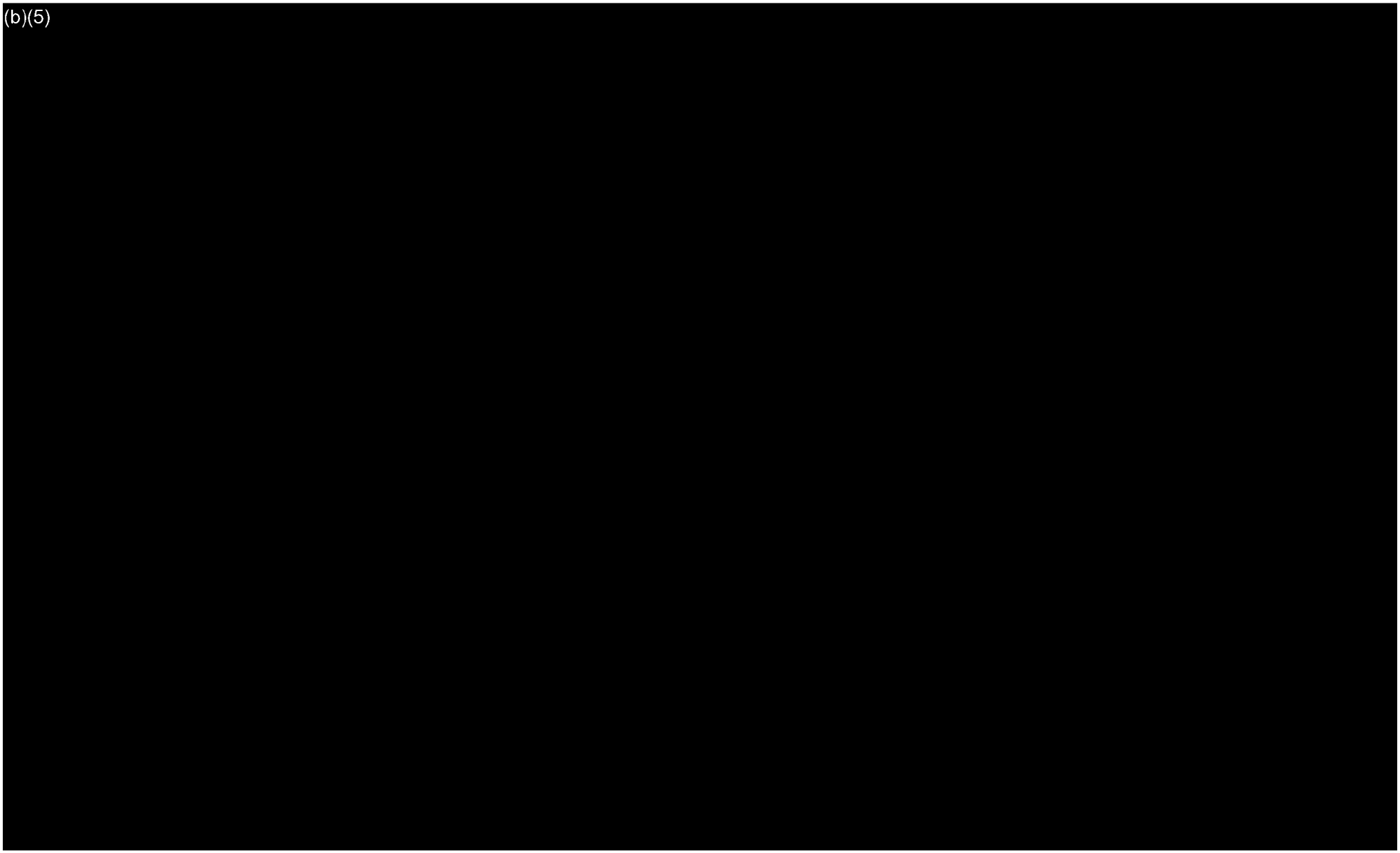
- **An individual who is a U.S. citizen or U.S. resident alien;**
- **A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;**
- **An estate (other than a foreign estate); or**
- **A domestic trust (as defined in Regulations section 301.7701-7).**

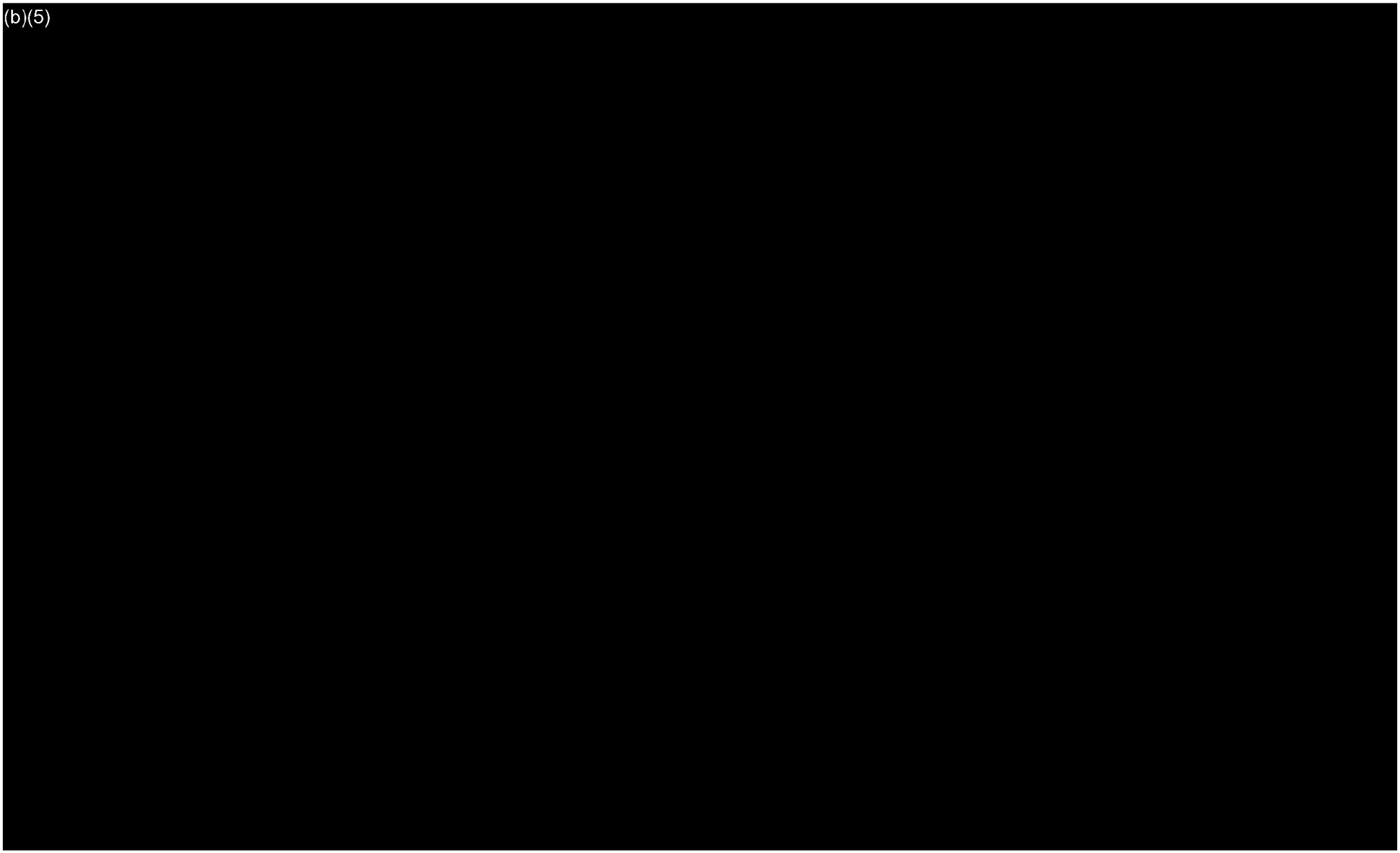
Options for Encryption

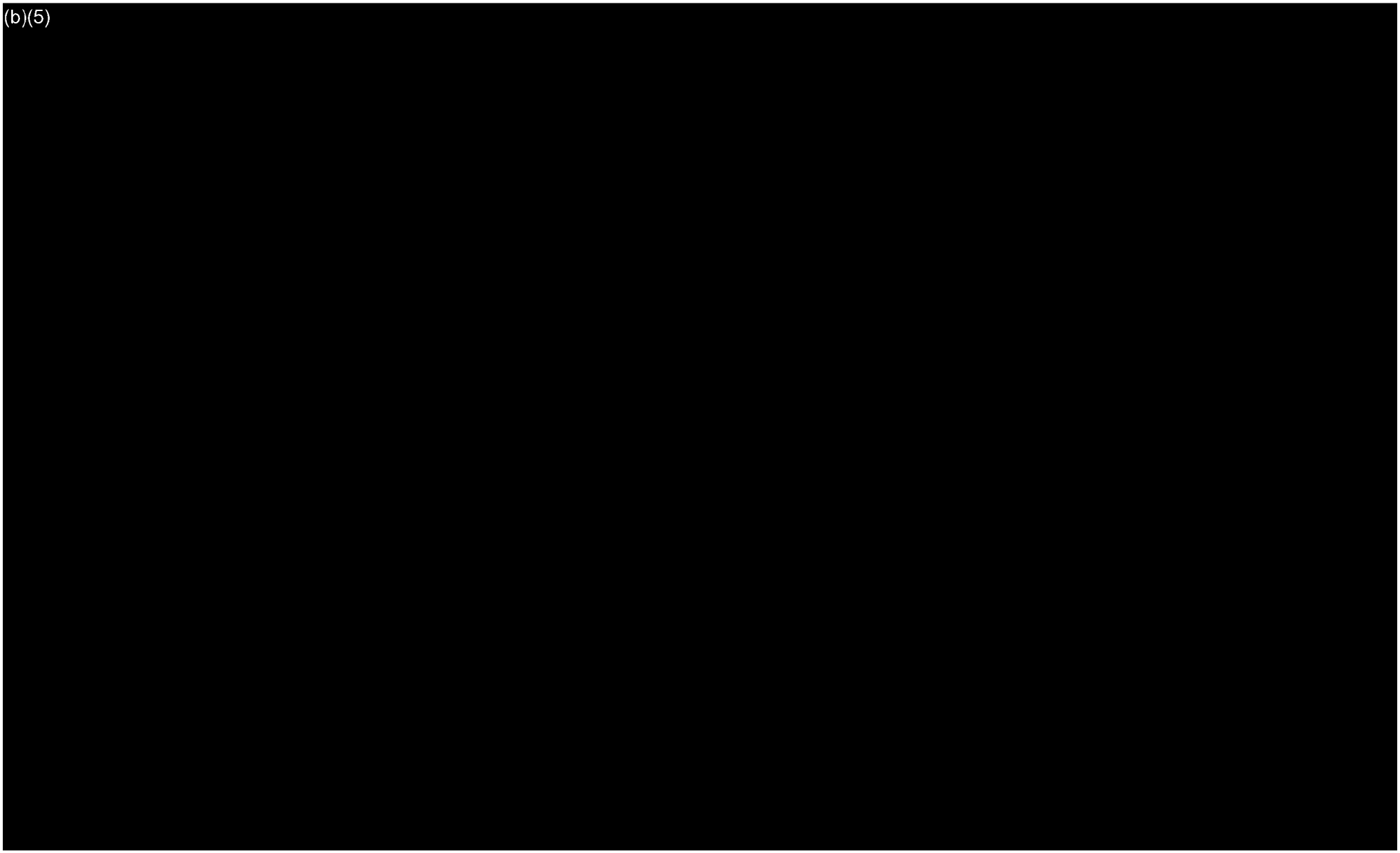
- **www.7-zip.org free product that can be downloaded to encrypt and compress files, files stay on your device.**
- **Password protect a PDF online for free | Adobe Acrobat free product, requires files to be uploaded to encrypt.**

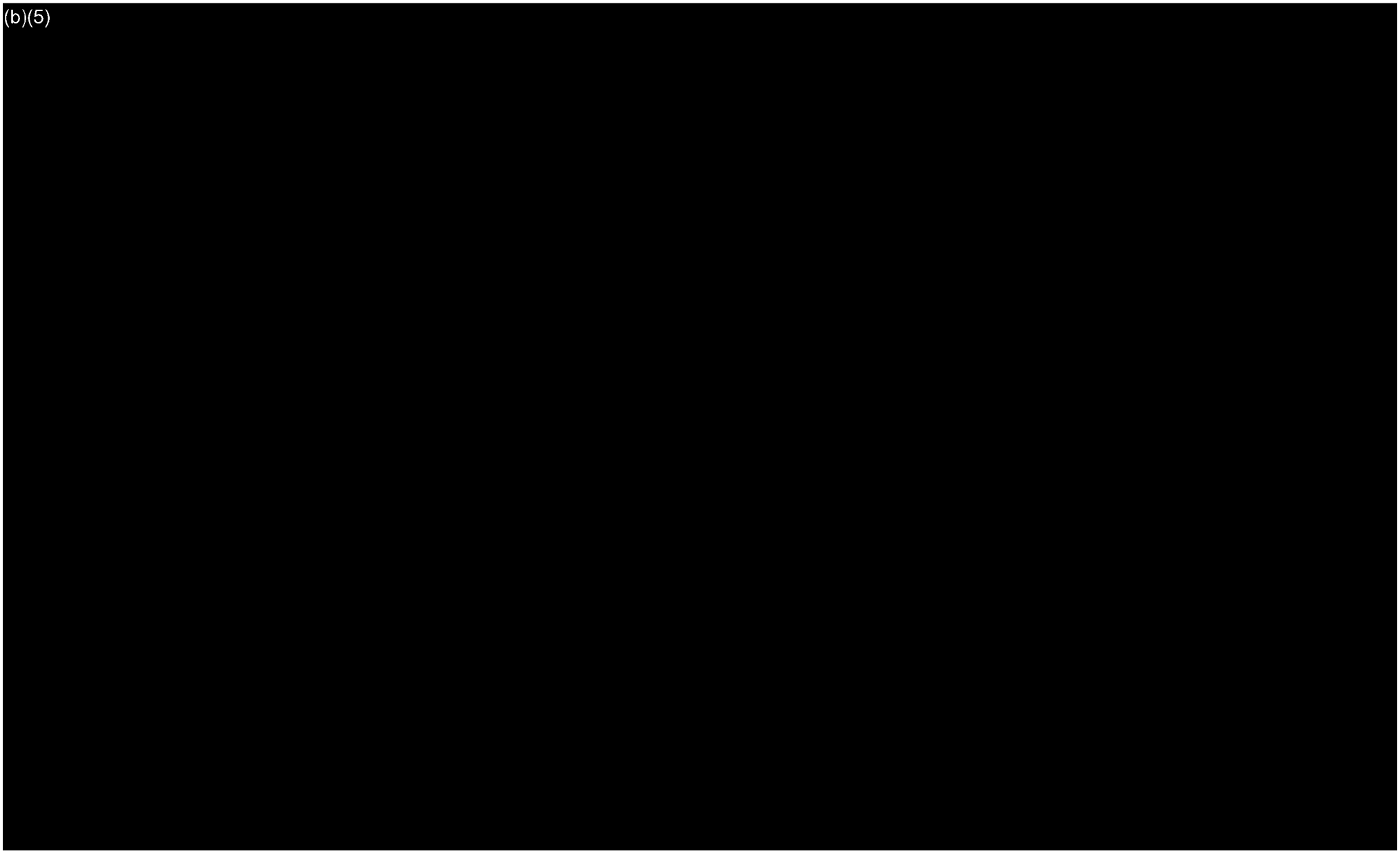
File Code: PB – 1205; Retention: Destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

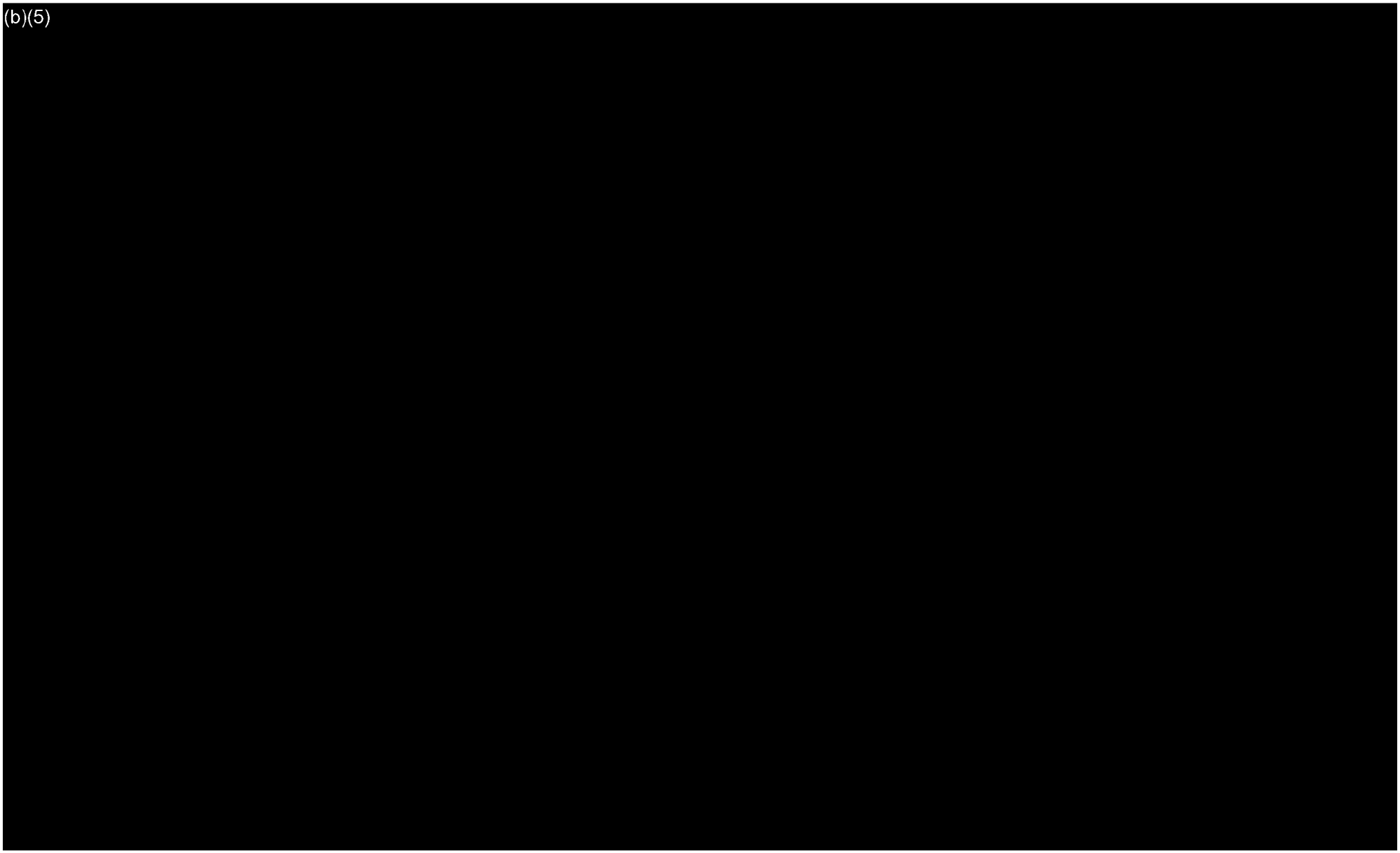

(b)(5)


(b)(5)


(b)(5)


(b)(5)


(b)(5)


(b)(5)

From:	Armentrout,Scott G (BPA) - E-4
To:	Zelinsky,Benjamin D (BPA) - E-4
Cc:	Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7
Subject:	FW: [EXTERNAL] Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin
Date:	Wednesday, January 3, 2024 12:26:44 PM
Attachments:	CRS PM - Draft Response Template 2023.12.12.xlsx

fysa

SCOTT G ARMENTROUT
Executive Vice President, Environment, Fish & Wildlife, SES | E-4
BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-3076 | C (b)(6)

From: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Sent: Tuesday, December 19, 2023 7:09 AM
To: Barrow, Brandon E <bbarrow@usbr.gov>; Robyn Colosimo <robyn.s.colosimo.civ@army.mil>; Michael Connor <michael.l.connor10.civ@army.mil>; Beth Coffey <frances.e.coffey@usace.army.mil>; Lorri Gray <lorri.j.gray@usace.army.mil>; Hairston,John L (BPA) - A-7 <jlhairston@bpa.gov>; Jeremiah Baumann <jeremiah.baumann@hq.doe.gov>; Gabe Daly <gabriel.daly@hq.doe.gov>; Melissa Ardis <melissa.ardis@hq.doe.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Anderson, Robert T <Robert.Anderson@sol.doi.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Janet Coit <janet.coit@noaa.gov>; Walker Smith <walker.smith@noaa.gov>; Michael Tehan <michael.tehan@noaa.gov>; Seth Barsky <seth.barsky@usdoj.gov>; Jay Govindan <jay.govindan@usdoj.gov>; Michael (Mike) Eitel <michael.eitel@usdoj.gov>; Pidot, Justin R. EOP/CEQ <Justin.R.Pidot@ceq.eop.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; zachary.penney@noaa.gov; Bloomer, Laura A <laura.bloomer@sol.doi.gov>; Gout, Elise C. EOP/WHO <Elise.C.Gout@who.eop.gov>; frederick.pfaeffle@hq.doe.gov; Molle-Carr, Elizabeth E. EOP/OMB <Elizabeth.E.Molle-Carr@omb.eop.gov>; Gold, Gary M <gary_gold@ios.doi.gov>; Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; D'Ambrosio, Jocelyn M. EOP/CEQ <Jocelyn.M.D'Ambrosio@ceq.eop.gov>; Beth Coffey <frances.e.coffey@usace.army.mil>; Leanne Holm <leanne.v.holm2@usace.army.mil>; Tim Dykstra <timothy.a.dykstra@usace.army.mil>; Brad Thompson <bradley.e.thompson@usace.army.mil>; Dan Feil (US ACE) <dan.h.feil@usace.army.mil>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Springer, Roland K <rspringer@usbr.gov>; Williamson, Jeremiah I <jeremiah.williamson@sol.doi.gov>; Carrington, Jennifer J <JCarrington@usbr.gov>; Hoefer, Scott E <SHoefer@usbr.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>; Gordon, Judith <judith_gordon@fws.gov>; Bottcher, Jared L <jared_bottcher@fws.gov>; BrittonKuttel, Erin <erin_brittonkuttel@fws.gov>; Wilson, Frank S <Frank.Wilson@sol.doi.gov>; Michael Tehan <michael.tehan@noaa.gov>; Ryan Couch <ryan.couch@noaa.gov>; Ritchie Graves <ritchie.graves@noaa.gov>; Chris McNulty <chris.mcnulty@noaa.gov>; Michael (Mike) Eitel <michael.eitel@usdoj.gov>; Fred Turner <frederick.turner@usdoj.gov>; D'Ambrosio, Jocelyn M.

EOP/CEQ <Jocelyn.M.D'Ambrosio@ceq.eop.gov>; Lorri Gray <lorri.j.gray@usace.army.mil>; Fleeger, Timothy M (Tim) CIV USARMY CENWD (USA) <Timothy.M.Fleeger@usace.army.mil>; Philpott, Romney (ENRD) <Romney.Philpott@usdoj.gov>; david.frankel@usdoj.gov; McGrath, Claire C <cmcgrath@usbr.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Murchie, Peter <murchie.peter@epa.gov>; Opalski, Dan (he/him/his) <Opalski.Dan@epa.gov>; Babington, Sean - OSEC, DC <Sean.Babington@usda.gov>; Bonnie, Robert - OSEC, DC <Robert.Bonnie@usda.gov>; krystal.laymon@fema.dhs.gov; Jones, Leslie - OSEC, Washington, DC <Leslie.Jones@usda.gov>; derrick.hiebert@fema.dhs.gov; eric.letvin@fema.dhs.gov; mohsin.syed@dot.gov; leanne.spaulding@dot.gov; milo.booth@dot.gov; jetta.wong@gsa.gov; julie.potter@gsa.gov
Cc: Mirick, Patrick P <patrick.mirick@pnnl.gov>; Philip, Brendan T. EOP/CEQ <Brendan.T.Philip@ceq.eop.gov>; Levy, Hila EOP/NSC <Hila.Levy@nsc.eop.gov>; Veeravalli, Swathi EOP/NSC <Swathi.Veeravalli@nsc.eop.gov>; Petes, Laura E. EOP/OSTP <Laura.E.Petes@ostp.eop.gov>; Petoskey, Rose N. EOP/WHO <Rose.N.Petoskey@who.eop.gov>; Reese, Elizabeth A. EOP/WHO <Elizabeth.A.Reese@who.eop.gov>; Lee-Ashley, Matt G. EOP/CEQ <Matthew.G.Lee-Ashley@ceq.eop.gov>; Roberts, Alyssa A. EOP/CEQ <Alyssa.A.Roberts@ceq.eop.gov>
Subject: [EXTERNAL] Section 2(b), Presidential Memorandum of September 27, 2023 entitled Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin

Dear Interagency Partners,

Up front, please check my distribution and share as needed with colleagues.

This email provides information to assist you in carrying out section 2(b) of the Presidential Memorandum (PM) of September 27, 2023 on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin.

As you know, the PM established a government-wide policy to restore healthy and abundant salmon, steelhead, and other native fish in the Columbia River Basin ("Basin"), secure a clean and resilient energy future for the region, support local agriculture, and invest in the resilience of the communities that depend on the services provided by the Federal dams in the Basin.

Several of your Departments and Agencies have already been engaged in a whole of government effort to advance the President's policy objectives. Thank you for the energy and leadership you demonstrate in advancing this important Administration priority. At the direction of the President, we will continue this effort with renewed urgency and creativity. And for those Departments and Agencies not yet involved in the day to day of the interagency, we look forward to engaging with you.

Section 2(b) of the PM provides that:

> *[By January 25, 2024], all agencies with applicable authorities and responsibilities . . . shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the [Columbia River System], for consistency with the policy established by [the PM]. As soon as practicable following such review, agencies shall, consistent with applicable law, identify*

and initiate any steps necessary to advance that policy.

(b)(5)



To assist in development of your consistency review, please find attached a template that reflects the categories of information the interagency will need and consider. The template includes two examples. Feel free to use a different format, while ensuring that it captures the same information. Reach out to me at Sara.R.Gonzalez-Rothi@ceq.eop.gov (202)881-9955 as needed.

Thanks again,

Sara

From:	Zelinsky,Benjamin D (BPA) - E-4
To:	Ardis, Melissa; Cordan, Nicole N. EOP/CEQ
Cc:	Gonzalez-Rothi, Sara R. EOP/CEQ; Armentrout,Scott G (BPA) - E-4; Leary,Jill C (BPA) - LN-7; Godwin,Mary E (BPA) - LN-7
Subject:	RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal
Date:	Friday, May 17, 2024 7:37:31 AM
Attachments:	image001.png

Thanks Melissa. Sonya submitted our response to Susan Leetmaa who confirmed receipt. Sonya didn't know to cc you all but it is the same document that I sent to you all previously.

Ben

From: Ardis, Melissa <melissa.ardis@hq.doe.gov>
Sent: Friday, May 17, 2024 7:35 AM
To: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>; Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>
Subject: RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

Hi Ben -it is Nathan, but he is on rotation right now. It should go to Susan Leetma.

Melissa Ardis (she/her)
Senior Advisor, Power Marketing Administrations
Office of the Under Secretary for Infrastructure
(b)(6)
www.energy.gov

U.S. DEPARTMENT OF ENERGY | OFFICE OF THE UNDER SECRETARY FOR INFRASTRUCTURE

From: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Sent: Thursday, May 16, 2024 4:09 PM
To: Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Armentrout, Scott G <sgarmentrout@bpa.gov>; Leary, Jill C <jcleary@bpa.gov>; Godwin, Mary E <megodwin@bpa.gov>; Ardis, Melissa <melissa.ardis@hq.doe.gov>
Subject: RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

I think Nathan but will coordinate with our intergovernmental affairs group to confirm.

Thanks,

Ben

From: Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Sent: Thursday, May 16, 2024 3:03 PM
To: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; 'Ardis, Melissa' <melissa.ardis@hq.doe.gov>
Subject: RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

And apologies as Maria just said to send to your OMB RMO contact instead of to her. I have no idea who that is for you guys. Nathan? Tony? You'll know!

And thanks for the cc to us.

Cheers,
Nicole

From: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Sent: Thursday, May 16, 2024 5:30 PM
To: Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; 'Ardis, Melissa' <melissa.ardis@hq.doe.gov>
Subject: RE: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

Thanks Nicole . We will send to Maria Kim and cc you both (with the correct email!).

Ben

From: Cordan, Nicole N. EOP/CEQ <Robyn.N.Cordan2@ceq.eop.gov>
Sent: Thursday, May 16, 2024 2:25 PM
To: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Cc: Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>; Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; 'Ardis, Melissa' <melissa.ardis@hq.doe.gov>
Subject: [EXTERNAL] FW: Presidential Memo Section 2.c Bonneville Submittal

With my correct email

Ben –

Thanks for asking. If you can just send this to Maria Kim at OMB directly, that would be awesome.

Sorry for any confusion out there on this point. I've asked Patrick to clarify with the larger USG team that these should go to OMB directly with a cc to Sara and me. Thanks for raising it!

Cheers,
Nicole

From: Zelinsky,Benjamin D (BPA) - E-4 <bdzelinsky@bpa.gov>
Sent: Thursday, May 16, 2024 4:01 PM
To: Cordan, Nicole N. EOP/WHO <Robyn.N.Cordan@who.eop.gov>; Gonzalez-Rothi, Sara R. EOP/CEQ <Sara.R.Gonzalez-Rothi@ceq.eop.gov>
Cc: Armentrout,Scott G (BPA) - E-4 <sgarmentrout@bpa.gov>; Leary,Jill C (BPA) - LN-7 <jcleary@bpa.gov>; Godwin,Mary E (BPA) - LN-7 <megodwin@bpa.gov>; melissa.ardis@hq.doe.gov
Subject: Presidential Memo Section 2.c Bonneville Submittal

Nicole and Sara,

Attached please find Bonneville's submittal for section 2.c of the Presidential Memorandum on Restoring Healthy and Abundant Salmon, Steelhead, and Other Native Fish Populations in the Columbia River Basin. Michael Tehan mentioned that you had directed NOAA to submit their information directly to you and not to the director of OMB as specified in section 2.c so we are following that same direction here. Please let us know if that is correct or if we should submit this directly to OMB instead. Also, we updated our submittal based on the discussion we had with you at our May 9th meeting. For example, the Fish and Wildlife Program row now includes the signed funding agreements with the Coeur d'Alene and Spokane Tribes.

Thanks,

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