

**FOR THE RECORD:**

**SUBJECT: Authority of the Council/ 5<sup>th</sup> Power Plan**

**DATE: October 9, 2003**

Jim Kempton e-mail; Tuesday, October 07, 2003, 4:18PM to John Shurts

John -

For the Power Committee meeting in Missoula.

Sub-section 4.(e)(2) of the Act ties the (power) plan to implementing conservation measures and developing resources pursuant to section 6 of the Act. On this basis alone, the Fifth Power Plan would be constrained to areas where we have pretty much played in the past.

Subsection 4.(h)(10)(A) of the Act directs the administrator to use (BPA funds) and the authorities of the Administrator to protect, mitigate and enhance fish and wildlife .... in a manner consistent with the plan"; and

Subsection 4.(h)(5) of the Act directs that: "The (fish and wildlife) program shall consist of measures to protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management of such facilities while assuring the Pacific Northwest an adequate, efficient, economical and reliable power supply"; and

The Council's mainstem amendment to the program states that: "In the longer term, assuring the region an adequate, efficient, economic and reliable power supply will depend on the successful resolution of a number of issues..... These issues are being addressed in the Fifth Power Plan."

Question:

Given the referenced Council's direction in the mainstem amendment, do sub-sections of the Act above dealing with mitigation/enhancement of fish and wildlife while assuring an adequate, efficient, economic and reliable NW power supply establish a logic chain through the Council's program that provides the Council authority to incorporate BPA business practice recommendations in the Fifth Power Plan? That is, something that extends beyond "implementing conservation measures and developing (or acquiring) resources"???

And as a follow-on: Does power plan consideration of issues related to an adequate, efficient, economic, reliable power supply necessarily have to be confined to a directly related fish and wildlife issue ???

Jim