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October 31, 2006

MEMORANDUM

TO: Power Committee

FROM: Terry Morlan

SUBJECT: Updating Elements of the Power Plan: Implications and options

In the last few Power Plans, the Council has discussed how elements of the plan could be updated on a more regular basis without a formal plan amendment or review process. Terms used to express this concept have included "loose leaf" or "flexible" Power Plans. Various requirements of the Northwest Power Act mandate specific approaches to plan amendment or review. These requirements have made it difficult to attain the goal of a power plan update, where some elements of the plan are brought up to date without triggering a formal process under the Act.

The Power Committee suggested that we have a discussion of the legal requirements and how they might apply to the Power Plan. The legal division has analyzed this issue. A discussion by John Shurts is attached for your background. A number of terms are used in the Act relating to changes to the power plan. Each carries with it some procedural requirements that should be understood.

As a result the Council will need to be clear in its language when describing the monitoring of the Plan's assumptions and implementation. We are now referring to the process that results in the biennial monitoring report as the biennial assessment of the power plan. An assessment does not constitute a review or substantial, nontechnical amendment to the Plan. However, the assessment could result in a recommendation for such changes.

The Power Committee will have a discussion of these requirements with John Shurts. We will explore our ability to update some of the Plan's assumptions and data, without triggering some of the procedural requirements specified in the Act.

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