

Richard Devlin
Chair
Oregon

Ted Ferrioli
Oregon

Guy Norman
Washington

Patrick Oshie
Washington



Northwest Power and Conservation Council

Bo Downen
Vice Chair
Montana

Jennifer Anders
Montana

Jim Yost
Idaho

Jeffery C. Allen
Idaho

Council Meeting Minutes
Council Central Offices
851 SW Sixth Avenue, Suite 1100
Portland, OR 97204
February 11 and 12, 2020

Tuesday, February 11, 2020

Chair Richard Devlin called the meeting to order at 1:31 p.m. Council Members Jennifer Anders, Ted Ferrioli, Jeffery Allen, Bo Downen, Guy Norman and Patrick Oshie also were in attendance. Member Jim Yost joined by phone.

Chair Devlin asked to begin the meeting with a motion to go into executive session following the day's business.

Northwest Power and Conservation Council Motion to Meet in Executive Session

Vice-Chair Downen moved that the Council meet in Executive Session on February 11, 2020, at the close of business to discuss an internal personnel matter.

Member Norman second.

Motion passes without objection.

Reports from Fish and Wildlife, Power and Public Affairs committee chairs

Fish and Wildlife Committee

Council Member Norman, Fish and Wildlife Committee chair, reported on a presentation by Patty O'Toole, Fish and Wildlife Division director, on the preliminary workplan for 2020. The first order of business is completing the 2020 Addendum. Part 1 of the Addendum is underway with a series of workshops. To date, they have completed two of eight workshops

and they hope to have them concluded in April. They expect a final draft of Part 1 in July and plan to have the Council adopt the findings in October.

For Part 2 of the Addendum, which the Council adopted in January, staff is continuing work associated with protecting fish and wildlife “as Bonneville carefully manages costs.” They’re focusing on finding project efficiencies without sacrificing productive work. They’re seeking more regular reporting from Bonneville, particularly on projects that have a change in scope.

Staff is working on project reviews. The resident fish project review will be underway in March and completed in August. They’ll initiate the anadromous fish habitat and hatchery review in November. Another aspect is program performance and working with agencies and tribes on indicators.

Other workplan aspects include asset management strategies and the cost savings plan. Work is underway to develop a mechanism for cost savings and reinvestment into emerging priorities. There will be an agenda item in March for reinvesting the funds into emerging priorities.

Staff talked about strategic planning and O’Toole is working on filling vacant positions.

Power Committee

Member Oshie, Power Committee chair, said they expect to be finished with the Power Plan in early 2021. Ben Kujala, Power Division director, shared the Power Plan’s timeline and Member Oshie said the hectic pace may require more meetings.

Kujala then provided an overview of Power Plan scenarios. These include the robustness of energy efficiency, markets for energy capacity, greenhouse gas tipping points and paths to decarbonization.

Gillian Charles, energy policy analyst, made a presentation on natural gas reference plants. She described the different technologies and they will make decisions at the next meeting on which way to go for the Power Plan.

Charles also talked about geothermal technologies and opportunities in the Northwest. There is not a lot of development at this time, but there is a lot of potential in Oregon and Idaho; less in Montana and Washington. Exploration is very expensive and there are lots of dry holes. Developers need to have deep pockets and a lot of interest.

Massoud Jourabchi, economic analysis manager, and Steve Simmons, senior economic analyst, updated the committee on load forecasts and global circulation models. It includes precipitation changes, temperature forecasts, behind-the-meter solar, impacts of

transportation changes and end-use natural gas forecasts. This is preparing us for the next stages of the Power Plan, Member Devlin said.

Public Affairs

Council Member Allen, Public Affairs Committee chair, said there would be a meeting tomorrow at 8:30 a.m. to discuss this summer's Congressional Tour, annual funding requests and the annual work plan.

Member Allen recognized Jaime Pinkham, executive director of the Columbia River Inter-Tribal Fish Commission (CRITFC), Council Member Norman and former Council Member Bill Booth for their work advocating for the Endangered Salmon and Fisheries Predation Act. This legislation gives more flexibility to remove sea lions that prey upon threatened and endangered salmon and steelhead in the Columbia River. Member Allen presented Pinkham and Member Norman with framed copies of the act, signed by President Trump. Member Allen said that 10 years ago, the Council was told they were losing more fish to sea lions, about 20–30 percent. Fixing the sea lion crisis meant amending the Marine Mammal Protection Act. That was seen as a deal-breaker by many, and some preferred staying with the status quo rather than doing the difficult work. Jamie Pinkham rewrote the bill and made it stronger. He said that Pinkham was the quarterback in the effort and Member Booth called it one of the best memories of his 10 years on the Council.

1. Presentation by Columbia River Inter-Tribal Fish Commission on Avian Predation

Member Devlin welcomed Jaime Pinkham, CRITFC executive director, and Blaine Parker, with CRITFC's fish management department.

Pinkham said that since the success of the pinniped predation legislation, they have been working to drive more attention to avian predation. He said the data is there and they need additional resources and collaboration to move forward.

Parker provided an overview of the Columbia River Basin to show the breadth and width of avian predation on outmigrating juvenile salmon and steelhead. In the upper basin, it's Caspian terns and gulls. Then fish run into more terns, gulls and pelicans. The birds eat steelhead, critical to the tribes. Then fish run into cormorant and Caspian tern colonies at the mouth of the Columbia River at East Sand Island. We're losing millions of fish there, Parker said. Rock Island also is noteworthy for predation. Lots of studies reference tagged fish that are lost.

Parker reviewed efforts to exclude birds through planting and active hazing, but the birds just relocated to the Umatilla Refuge. Managers there are confident that the birds aren't creating as much of a loss as CRITFC does. If we're not lethally removing the birds, they

just move around, he said. They will travel far. Tagged fish have been found long distances away.

Parker said they are estimating a 50 percent loss of tagged steelhead due to cormorants and gulls at Rock Island. Birds are hazed at John Day and The Dalles with wires. The Corps have finished installing \$10 million worth of wires, but once the fish pass the wires, they're hit again by birds, he said.

Tribes have been active on avian predation since the mid-1990s. Parker said if deference is given to once species over another, there's no balance. We're seeing drops in some areas of predation, but we're still losing millions of important fish. Many are taken out in the salt water, just feet from the finish line.

Ratepayers have invested \$11.8 billion in salmon and steelhead restoration since 1981.

We're not asking for removal, but a balance, he said. Other users are supporting a collaboration to balance the playing field for the fish. Having the maximum number of fish make it to the ocean is critically important.

Pinkham said they have been meeting with the regional director of the Fish and Wildlife Service and the regional coordinator of the U.S. Army Corps of Engineers to explore options. The geographic area is scattered and there's a range of species. He said they have the data, but need to make that clear and understandable. They are making presentations in Washington, D.C. We need flexibility and consistency on how we deal with avian threat, Pinkham said.

Last summer in D.C., Pinkham said they talked with Gerome Ford, assistant director for the migratory bird program. They want him to see the situation first-hand and they want to build a coalition in the region. Pinkham said they are building an avian predation plan that has flexibility and consistency, and they are looking forward to the Council being a part of the process — not only with the science, but with political will from four states.

Member Allen remarked that it seems like the U.S. Army Corps of Engineers is willing to work on islands they're responsible for, U.S. Fish and Wildlife wants to save every bird and NOAA isn't involved in the issue yet. I think your call for the region to sit down together is exactly what's needed, he said. Pinkham replied that there's a strain among missions. U.S. Fish and Wildlife has a commitment to manage the refuges, and then to protect listed salmon and steelhead. It's how they're built. We need political cover to make some decisions, he said. They won't have it without our nurturing and encouragement.

Member Allen asked if there is a way to fold this in with the BiOp and environmental impact statement (EIS). Is the clock ticking? Pinkham said they have a couple of decision points

coming ahead. We know we need to push forward. We're becoming united around this issue. I'm concerned the EIS will create some divisions, so pressing it now is necessary, he said.

Member Ferrioli thanked Pinkham for taking the heat on the pinniped issue. But having the authority and implementing are two different things. We're not talking about lethal take, it's about moving the birds until we have a partnership willing to call out what needs to be done, he said. We could argue that you must not like orcas because you're feeding birds with their food.

Member Norman reiterated the value of the partnership in getting the legislation supported. It took a while, but together we accomplished something difficult to do. This will be similar. The stage is set to make this a priority and get somewhere.

Council staff update

Member Devlin announced that Lynn Palensky, project review manager, is leaving the Council after 20 years. She's going to become the executive director of the North Pacific Research Board in Anchorage, Alaska. She worked on the Year of the Salmon and we'll remember her for her dedication to sturgeon. Palensky said she counted attending 232 Council Meetings.

2. Briefing on Energy NW and E3 Resource Adequacy Study

Gillian Charles introduced Greg Cullen, energy services and development manager, Energy Northwest.

Cullen listed Energy Northwest's generation projects:

- Columbia Generating Station (CGS)
- Nine Canyon Wind Project
- Packwood Lake Hydroelectric Project
- White Bluffs Solar Station
- Tieton Hydroelectric Project
- Portland Hydroelectric Project
- Horn Rapids Solar, Storage & Training Project

Cullen said Energy Northwest is looking at the transition in the Northwest power industry, including increasing capacity challenges, carbon reduction and BPA's contracts in 2028. These all seem to be coming together and Energy Northwest is seeking to advance their role.

They are working on the following initiatives:

- Demand response and demand voltage reduction.
- Electrification of transportation
- Renewable energy
- Energy storage (solar, wind and nuclear)
- Small modular reactors (SMRs)

Energy Northwest commissioned a study by E3 that looks at resource adequacy in the greater Northwest in light of the coal generation reductions. It looked at the cost of renewable, storage and gas portfolios versus portfolios with a robust, zero-emitting resource fleet. The zero-emitting resources considered were hydro, wind, solar, battery storage, CGS, SMRs, biomethane, and carbon removal and sequestration. Cullen said that meeting peak load would require renewable and storage overbuilds, which would be a very expensive proposition. Another way might be small modular reactors, he said.

The E3 study focused on two key questions:

1. What are optimal electricity resource portfolios to achieve deep carbon emissions reductions in the Pacific Northwest?
2. How does the availability of firm, zero-emitting generation affect the cost of achieving carbon goals while maintaining a reliable electric system?

The study also looked at incremental energy efficiency and demand response, renewables and new resource options (such as pumped hydro). The study used low load growth assumptions and drew in some electrification.

The study captured recent policies and trends:

- Achievement of cost-effective energy efficiency as identified in the Seventh Power Plan;
- Regional coal retirement plans – Washington retirements by 2025 and OR retirements by 2030; and
- Large-scale electrification of light-duty transportation.

Cullen said that looking at Washington clean air legislation, there was a discussion that one could be in compliance by using natural gas to cover needed load as long as you buy enough renewables, even if you have to sell the excess. The Governor's office in Washington said that's not their intent.

Cullen discussed the various scenarios in the study:

- Renewable + Gas: this pairing can achieve deep emissions reductions at manageable costs. Costs will increase markedly when fossil gas is not available to provide firm capacity.
- Renewable + Columbia Generating Station: renewing the license for another 20 years decreases the cost of electric sector decarbonization in the Northwest by between \$120M and \$1,350M per year in 2045.
- Scenarios with zero-emitting firm, SMRs: Adding zero-emitting firm capacity reduces the cost of achieving 100% GHG reductions by \$6,700M per year.
- No new gas sensitivity (90% GHG reductions): The study picks SMRs in its least cost scenario. Cullen added that there is a new nuclear tax credit. A couple of plants in Georgia are in position to claim them.
- Benefits of zero-emitting firm capacity at 100% GHG reductions: This requires over 100 GW of new capacity. Cullen said that a system that largely relies on wind, water, solar and battery storage requires over 100 GW of new capacity additions in 2045 to maintain reliability. This system costs more than \$8 billion per year over the reference scenario.

We aren't saying no new renewables, Cullen said, but SMRs help firm them up. SMRs also help reduce electricity rates. In addition, renewables require a large amount of land.

Cullen talked about NuScale nuclear technology and the layout of a plant site. He said there are different ways to adjust power output. NuScale has been working on load-following with wind. He described it as an evolutionary technology, not revolutionary. It has made progress in its licensing and is due for approval in September. TVA is interested in NuScale's plant design.

For the Council's 2021 Power Plan, Cullen recommends that carbon constrained modeling include a reference plant for SMRs. Also, modeling should incorporate additional/extended generation from CGS.

Member Allen asked about transmission implications. "We've spent 17 years trying to get Boardman to Hemingway," he said. Cullen said the study has limitations. It assumes you can get energy from where it's generated to where you need it. E3 said energy density is something that makes it very attractive. Also, having it next to the CGS site makes it attractive.

Member Anders recalled the Diablo Canyon demonstrations in the 1960s and asked about the region's sentiments on incorporating more nuclear. Cullen replied that as climate

change has jelled as a key issue, he's starting to see anti-nuclear people become more in favor of it. He said they might get some pushback, but they're not out to jam it down anyone's throat.

Member Ferrioli said he and the Chair have visited CGS and there's a lot to be learned. Relicensing an existing facility is an efficient cost move. How do models account for decommissioning SMRs? Cullen replied they are factored in. It's required by federal law.

Member Ferrioli said as for transmission costs, the infrastructure is aging and needing upgrading. He believed that one of the selling points of SMRs is that they're community-based, close to the load. If they're clustered on transmission routes, aren't we defeating the intent of addressing capacity issues? Cullen agreed that's a good point and that's the ideal future. The model suggested building 5.3 GW. Our question is should we build one and locate it next to CGS? It would probably be easier to do that than next to downtown Seattle. But after demonstrating we can build it on budget and on schedule, and demonstrate the technology and safety, we could put it next to anything.

Gillian Charles said when staff looks at their decarbonization scenarios, they're looking at SMRs and are in touch with Cullin and Nuscale.

Member Devlin said the license for the Columbia Generating Station (CGS) falls two to three years outside the Council's planning horizon, which is why the future of CGS has not been part of the Power Plan discussion. He recognizes that a large percentage of the nation uses nuclear power, but the underlying financial structure of BPA and Energy Northwest are also important factors. Any assumptions we make now might change dramatically within five years, he said.

3. Briefing on the analytical process for the 2021 Power Plan

Member Devlin said they're hopeful of getting a draft Power Plan out by November or December.

Ben Kujala, Power Division director, said it was unlikely he would get through all of his 95-slide presentation. The presentation is about an analytical process, and how we interact with the models and advisory committees.

Kujala listed the first items that need to be addressed:

- **Forecast prices for natural gas and other fuels.** Gas will be a larger part of this plan than prior plans. Staff forecasts monthly natural gas prices inside and outside the Northwest, they obtain a range of gas price forecasts, and obtain price forecasts

for coal, oil, gasoline and renewable natural gas. Kujala said this is important because it informs the price of electricity. Gas fired plants consume around 30% of regional gas and provide about 12% of electricity. Gas fired plants support service to the electric grid.

To address price volatility, they look at a wide variety of prices. Kujala talked about the process of surveying and collecting public forecasts, developing a proposed Henry Hub forecast, and fine-tuning the forecast for western hubs.

Member Devlin asked, as more jurisdictions pass legislation similar to Washington and California, how long will natural gas be a key factor? Kujala replied that existing natural gas plants will be with us throughout the Power Plan. It will be a critical piece for the next 20 years. There may not be a lot of new natural gas builds, but it still will be important. California wants to phase them out by 2045, but he's not sure how they'll get there. There are times where hydro is on the margin, but it's hard to see where price of natural gas doesn't matter.

- **Establish global financial and economic assumptions.** Examples are discount rate, inflation, forecast period, T&D deferral and a real \$ base year.
- **Forecast the consumption of natural gas:** Includes residential, commercial, industrial and transportation use. This is a new component of the Power Plan. Kujala said it's more holistic, it highlights where GHG is coming from, and looks at the impacts of strategies to reduce emissions in the electric sector. Residential, commercial and industrial sectors accounted for 27% of Northwest CO2 emissions from fossil fuel in 2016, he said. Kujala talked about how staff forecasts natural gas usage, and the key inputs and outputs.

Member Anders asked about rationale for the forecast. It's not something articulated for the Council in the Northwest Power Act, so where does this come from? Kujala replied that the Council decided not to pursue fuel switching. This is helping us complete a picture. People are talking about electrification. We're not advocating fuel switching; we're just providing the information and analysis. It's helpful in the scenarios we're looking at.

- **Forecast regional transportation fuel consumption.** This includes fuel consumption, electricity load, vehicle unit sales and forecast vehicle stock. It provides context for the forecast of electric vehicles, including impacts to consumer cost GHG emissions, electric load and impacts on the regional peak electricity use. It also highlights regional greenhouse gas emissions and the impacts of strategies to reduce emissions on the electric sector. The transportation sector stands out as a significant CO2 emitter in the Northwest and the West Coast, he said. Kujala talked about electric charging profiles and where it occurs. Charging occurs more often at

home than in public areas or at work. He also talked about key inputs and outputs.

- **Method for determining quantifiable environmental costs and benefits:** The Power Act states that: In estimating the overall system cost of a particular new resource or measure, the Council must include quantifiable environmental costs and benefits directly attributed to the resource as determined by the environmental methodology. The Northwest Power Act requires the Council (1) develop and (2) apply a “methodology for determining [the] quantifiable environmental costs and benefits” of electric generating and conservation resources.

If it cannot be quantified? Environmental effects that cannot be quantified are still taken into consideration through the Act’s due consideration provision.

Kujala said we’ve talked about a framework to support consistent quantification of costs and benefits, including environmental. The idea was to make sure we’re applying and sharing this information with the public.

- **Developing generating resource reference plants:** A reference plant is a collection of characteristics that describe a resource technology and its theoretical application in the region. It includes estimates of typical costs, logistics, and operating specifications. Kujala talked about why we develop reference plants.

Council staff presents its preliminary analyses to the Generating Resources Advisory Committee (GRAC) for discussion and feedback on:

- resource categorization into primary, secondary and emerging/long-term;
- resource attributes and operating characteristics of a reference plant representative of a “typical” Pacific Northwest configuration; and
- estimated cost assumptions, especially the overnight capital cost and 20-year cost curve.

Chair Devlin recessed the meeting at 3:58 p.m.

Wednesday, February 12

Chair Devlin reconvened the meeting at 9:32 a.m.

Continuation of briefing on the analytical process for the 2021 Power Plan

Devlin asked about overnight capital costs, such as CGS, which will amount to \$800 million in expenditures over the next decade. He also asked him to talk a little more about capacity factor.

Kujala continued discussing a reference plant, which is a new, generic resource that requires reinvestment. A solar plant with storage onsite is an example. But before we look at construction costs, he said we need to consider the ongoing costs of upkeep to ensure it lasts the 30 years of its expected life. On the other hand, there was a potential investment in the Seventh Power Plan for Grand Coulee Powerhouse #3. That's looked at as an additional capital cost because it adds capability.

Charles said it's called overnight because there's no interest. Capital costs will be engineering procurement and construction costs, plus any costs of land, administration, transmission hookups, etc. The costs for CGS would already be captured. Decommissioning costs are included in overnight capital cost estimates.

Kujala said it's focused on a new resource being built. For example, coal plants needing new investment to meet new regulations didn't have that factored in because it was not a cost anticipated when they were built.

Charles added that hydro efficiency upgrades lead to capacity increases. We don't treat that as a new resource. Original wind plants were expected to have a 20-year life. Repowering those units would extend life and increase capacity. Those are considered to be similar to hydro improvements.

The components of a reference plant require consideration of the resource attributes, financials, operating characteristics and development potential. Kujala said if it's a thermal plant, with an expected capacity factor of 90 percent, we want to account for all the components. If it's a wind plant, we only expect 30 percent over a year. Capacity factor is gauged over a period of time. Nameplate is a projection. Every resource has some downtime.

Member Devlin remarked that sometimes you have to build to the peaks.

Kujala said when it comes to meeting peak capacity, it's about adding up the existing system and then what would be needed to get there.

To develop reference plants, they give the information to the GRAC, which looks at the characteristics and then estimates cost assumptions, especially the overnight capital cost and 20-year cost curve.

Kujala then discussed the formula for forecasting energy use with price effects.

Member Anders asked who is included in the analysis of energy use. Kujala replied that we use our footprint for the general forecast. It's a little broader when you look at resources that

serve the load. Also, differences in weather (Montana vs. Seattle) will alter usage. He provided an example of how they forecast energy use from electric water heaters in new homes.

He said global climate models (GCMs) forecast warmer winters and hotter summers. He showed a chart looking at expected winter and summer peak loads for 2040–2049. They forecast much greater volatility in the summer load picture. The region has been traditionally winter peaking, but there will probably be a shift.

They also forecast load outside the footprint. Electricity use outside the Northwest impacts the price and supply of electricity available in Northwest markets. Clean energy targets and renewable portfolio standards outside our region impact generation outside the region — which impacts the evaluation of the cost of new generation inside the region.

To do this, staff looks at CEC (California load forecast) and AURORA-based WECC dataset. Getting an electricity price forecast requires a load forecast for each balancing authority area in the Western Grid. However, that information can be spotty and at a different level of detail from one source to the next. They get detailed information out of California, but not as much from the desert Southwest.

- **Develop energy efficiency supply curves:** Under the Power Act, “conservation” means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution. Also, it must be “...reliable and available within the time it is needed ...”

Kujala shared the formula for energy efficiency savings. He then discussed how staff develops energy-efficiency supply curves:

1. establish a baseline
2. estimate cost and savings per unit
3. calculate the technical potential
4. Determine the technical achievable potential

Member Norman noted a big drop in annual energy efficiency potential from 2026 to 2028.

Fish and Wildlife announcement

Member Norman recognized former Council Member Bill Booth and Member Allen and Todd Ungerecht for their work on predation legislation. He said Robin Brown from Oregon Department of Fish and Wildlife was instrumental in setting the record straight in terms of the biological health of the sea lion population in relation to the endangered salmon population. He also mentioned Steve Jeffries from Washington Department of Fish and Wildlife. He said Mark Walker and John Harrison in the Public Affairs Division provided

great information. He recognized Chuck Hudson with CRITFC and the Wild Salmon Center. Now we have people implementing this, Member Norman said. Getting the resources to implement the intent of the legislation will be important. The Council in general has been extremely supportive.

4. Briefing on Lighting Standards and Considerations for the 2021 Power Plan

Member Devlin said this is a presentation on how the federal government has helped us. He introduced Tina Jayaweera, senior energy analyst; and Andrea Goodwin, senior counsel to share recent changes in lighting standards.

Goodwin explained that last May, Washington passed legislation requiring general service lamps to meet or exceed an efficiency of 45 lm/W. In December, California also adopted a minimum standard of 45 lm/W for general service lamps, which is bound to have an impact on the market.

However, the U.S. Department of Energy issued a final determination, concluding that the standards for GSILs do not need to be amended, as more stringent standards would not be economically feasible for incandescent bulbs. It effectively rescinds the backstop requirement as applied to incandescent bulbs, she said.

This means there are different standards for states and federal. DOE's final determination is likely to be challenged in federal court, Goodwin said. Washington's standard could be challenged, and California's standard will likely have impacts on the markets. It would set different standards than what's in the Power Plan.

Jayaweera said we have to decide now what standards will be in the 2021 Power Plan. We propose to use standards that are on the books now. For Washington, we'll use its 45 lm/W standard, for other states, we'll the federal standard.

There isn't a great difference, but we'll want to capture that, Jayaweera said. The other issue raised is the whole concept of anti-backsliding. The federal government isn't allowed to do backsliding. We see occasional indications of backsliding for building and energy codes. We're considering including language stating it is poor policy to backslide. So, if legislation comes out with backsliding, we can point to language in our Power Plan.

Goodwin added that there is discomfort on where the government will go with the standard language.

Member Downen asked, what is the feedback from CRAC about the bifurcated supply curve? Jayaweera said their intent was to go with what's on the books.

Member Ferrioli said he doesn't feel obligated to offer the opposite opinion, but thinks we should uphold the objective standard. Who's the audience? There's a serviceable lumens per watt test. It deserves to be upheld. We can do that without the scolding. The rest is attitude.

Jayaweera said it gets complicated for programs that deliver energy efficiency and then have baselines against which they were claiming savings. It's complicated for BPA when establishing their programs.

Member Ferrioli asked, does that pull us into a circular argument of who's backsliding?

Goodwin said we're in this position because we assumed the federal standard. Our policy has not changed.

Member Ferrioli said no policy is secure while the legislature is in session.

Member Oshie said he likes the idea of being able to explain the complications in the rule. Whether it's a scolding or not, it depends on the wording. It could be an effective way of explaining the Council's position.

Member Downen said he's concerned that if we don't account for the change, then the supply curve could be what isn't in the federal standard. The wait for litigation could last until the next Power Plan.

Member Devlin said in the Oregon Legislature there has been discussion of doing the same in Washington. But we could fall back to new federal standards. A new builder could put in less-efficient lighting.

Kujala added that there's more the Council can do than just make a statement about policy. But it's a starting point. The Council has had a wide influence in building codes. We've been sued on the tiny home, he said.

Member Ferrioli said I really want to see a strong articulation of standards in the Power Plan. Uphold the standard, place the bar high and resist the impulse to argue with other people. States are free to set higher standards.

Goodwin said there are different mechanisms under the Power Act to do more than make a policy statement. States are generally preempted from setting stronger standards for this particular Act.

John Shurts, general counsel, said it could get the DOE standards thrown out of court. We'll still say what we think is cost effective.

Member Downen said he supports the paragraph and working out the wording.

5. Council Business:

Northwest Power and Conservation Council Motion to Approve the Minutes of the January 14-15, 2020, Council Meeting

Vice-Chair Downen moved that the Council approve for the signature of the Vice-Chair the minutes of the January 14-15, 2020 Council Meeting held in Portland, Oregon, as presented by staff.

Member Oshie second.

Motion passed without objection.

Northwest Power and Conservation Council Motion to Approve the Annual Report to Congress for Distribution for Fiscal Year 2019

John Harrison said he received zero comments on the report.

Vice-Chair Downen moved that the Council approve the Annual Report to Congress for Fiscal Year 2019 as presented by staff, with the changes made by the Members at today's meeting.

Member Norman second.

Member Anders noted that on page 28, the language needs to be changed for an event that occurred in the past. That was included in the motion.

Motion passed without objection.

Public Comment

Scott Levy, Bluefish.org, thanked Council for allowing comments by phone. He will be sending graphs to support his remarks. He commented on an early warning trigger about steelhead. He referenced recent SARS data. Last year's survival was really bad. Typically, there is 75 percent juvenile survival through the Lower Snake River Dams. Last year, it was 58.1%. Then there was poor survival from the trap to Lower Granite Dam. It looks like flex

spill was damaging for Idaho's fish. Coming into the spring, we should be considering not using Lower Granite and Lower Goose for flex spill to test it.

Chair Devlin adjourned the meeting at 11:05 a.m.

Approved March _____, 2020

Vice-Chair